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Thailand

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1. Thailand presented the first cycle report at the Review in 2011, after which we accepted 134 recommendations and announced 8 additional voluntary pledges.

I. Methodology

A. Awareness raising

2. After the first cycle review, the national report and accepted recommendations were translated into Thai language and disseminated to the public, including on the website. Seminars were organised to inform agencies and civil society about the review outcome.

B. Implementation monitoring and capacity-building

3. After the review, the National UPR Committee's mandate was expanded from report preparation to include overseeing the implementation process. The Committee[1] meets at least once a year to exchange views and discuss progress, gaps, and challenges.

4. In 2013, a national action plan was developed to serve as a guideline on the implementation of the accepted UPR recommendations and voluntary pledges with timeframe and assigned responsible agencies. The 3rd National Human Rights Plan for 2014-2018[2] has also incorporated the UPR recommendations for effective and seamless implementation.

5. In June 2014, the Government submitted a voluntary Mid-term update[3] to HRC to keep track of implementation progress and maintain the momentum between cycles.

6. Thailand believes that exchange of experience[4] and technical assistance[5] are keys to achieving effective implementation.

C. Drafting process

7. The process intends to be as inclusive as possible. Before drafting, seminars in 5 regions were conducted to follow up on the implementation and identify remaining challenges and new concerns on the ground.

8. Four focus group discussions on key thematic issues were held to generate more in depth debate among concerned agencies and experts.

D. Consultation process

9. Public consultations were organised in 5 regions to gather views and inputs on the first draft report. Useful feedbacks have been reflected in this report.

10. The report was endorsed by the National UPR Committee and thereafter approved by the Cabinet which underscores their commitments.

II. Developments since the first cycle review

A. Constitution

11. The rights and liberties of all people continue to be guaranteed by the Constitution as well as relevant laws.

12. The 2014 Interim Constitution *(Section 4)* guarantees all human dignity, rights, liberties and equality of the people as provided under previous constitutions. It also embraces human rights protection under international instruments to which Thailand is party.

13. The new Constitution is currently being drafted by the Constitution Drafting Commission (CDC). Once completed (expected by early April 2016), it will go through a public referendum. To make the drafting process inclusive, the CDC has sought views from various sectors, including the Cabinet, independent institutions[6], political parties, academics, and private sector.

B. Government policies

14. The Government attaches utmost importance to the promotion and protection of human rights of all groups of people. In its Policy Statement to the National Legislative Assembly (NLA) on 12 September 2014, the Government identified addressing social and economic inequalities as well as adherence to the rule of law and protection of human rights as 2 of 11 main policies.

15. The Government has pledged to develop the social protection system; improve the welfare system particularly for vulnerable groups; disseminate land utilisation or tenure rights for the poor, and prevent and tackle the problems of human trafficking.

16. The Government has strived to expedite the revision of Thailand's legal codes and other laws that are obsolete and inconsistent with international obligations. The Government is also working toward further improving access to justice by strengthening the legal and financial aid systems and the justice fund which supports the poor and the disadvantaged as well as provides remedies to those affected.

C. National Human Rights Plan

17. In November 2014, the Cabinet approved the 3rd National Human Rights Plan (2014-2018). The Plan, drafted from consultations with various stakeholders, advocates for a society that respects rights, liberties, and equality. The Plan is considered more comprehensive than its predecessors as it has identified 11 issues[7] and 15 target groups[8] of which specific action plans were developed to cater to their different needs and natures.

18. Concrete implementation continues to be the main goal of the Plan. The Cabinet instructed all agencies to submit a report on implementation regularly. Rights and Liberties Protection Department (RLPD)[9] has also provided trainings for officials from government agencies concerned to implement the Plan effectively.

D. Legislative framework

19. Since the first cycle review, a number of human rights related legislations has been passed or amended to further strengthen the promotion and protection of human rights. Some notable ones are as follows:

- ***The Gender Equality Act of 2015*** (effective on 9 September 2015) aims to protect everyone, including persons with sexual expression that is different from biological sex, from gender-based discrimination. The Act establishes mechanisms, namely Gender Equality Promotion Committee to promote gender equality in all agencies, Committee on Consideration of Unfair Gender Discrimination to receive complaints and order sanction or compensation for the victims of discrimination, and Gender Equality Promotion Fund for compensation or redress.
- ***The Amendment to the 2008 Anti-Trafficking in Persons Act*** (effective on 29 April 2015) aims to further intensify the country's effort to combat trafficking in persons. Important amendments include granting power to authorities to temporarily shut down factories or vehicles, imposing harsher punishment for perpetrator, and introducing system of confiscation of assets of perpetrator, as source of fund for compensation for victims.
- ***The Justice Fund Act of 2015*** (published in the Royal Gazette on 27 October 2015 and will become effective on 24 April 2016) aims to ensure that everyone, particularly the poor and the vulnerable, have an equal access to justice. The Fund's assistances include financial support to provide access to legal aid and lawyers, support in judicial proceedings including proofs and evidences gathering, court fees and bails, as well as public dissemination of basic legal knowledge.
- ***The Protection of Vulnerable Persons Act of 2014*** (effective since 24 December 2014) provides better protection to persons who are homeless, living in poverty or in difficult conditions. The said protection includes provisions of social welfare, housing, health care, education, and job opportunities.
- ***The Amendment to the Criminal Code to criminalise child pornography*** (effective on 7 December 2015) aims at according more protection of children from a wider range of sexual exploitation, in compliance with the Convention on the Rights of the Child and its Second Optional Protocol. The Amendment, for the first time in Thai law, gives definition to "child pornography" and takes into account the advanced technology of visual representation and the spread of child pornography on the internet.
- ***The Amendment to the Organic Law on Anti-Corruption (No. 3)*** (effective on 10 July 2015) aims to make the law in conformity with the obligations under the UN Convention against Corruption (UNCAC) to which Thailand has been party since 2011. The Amendment extends corruption charges to cover foreign public officials and officials of international organizations, introduces value-based calculation for damages, suspends the statute of limitations in case alleged offenders evade the administration of justice, establishes the liability of legal persons for bribery, and increases penalties against public officials for offence of bribery.
- ***The Royal Ordinance on Fisheries of 2015*** (effective on 14 November 2015) aims to establish good governance in the management of the fisheries sector, combat illegal, unreported and unregulated (IUU) fishing, and prevent illegal labour in the fisheries sector, in compliance with international standards.

20. Capacity-building and follow-up activities are also organized for officials from relevant implementing agencies to promote understanding and bring about effective enforcement of the above-mentioned legislations.

21. The Cabinet and NLA will continue to pass or upgrade other laws in the pipeline, including the Penitentiary Act of 1936, giving highest priority to the draft bills that fulfill Thailand's international obligations.

E. Human rights mechanisms

National Human Rights Commission (NHRC)

22. NHRC continues to function under the NHRC Act of 1999.

23. Each year, the Government has allocated budget deemed as sufficient for NHRC to cover its administrative cost as well as carry out its mandates effectively and with its autonomy. There is also room for NHRC to request for use of Government's central fund for contingency activities. (NHRC has been able to handle an increasing number of cases, from 112 cases during its inception year in 2001 to around 600–700 cases per year at present.)

24. The Government makes voluntary contribution annually to support the work of the Asia Pacific Forum of National Human Rights Institutions (APF). The contribution in turn allows APF to carry out activities to strengthen effectiveness of its member institutions. NHRC also benefits from a range of trainings provided by APF.

25. The Government recognises the importance of a strong and active NHRC that carries out its mandate in promotion and protection of human rights effectively, up to accreditation standard[10] and in compliance with the Paris Principles.

26. Government agencies have continuously cooperated with NHRC in providing information and clarification as requested, as well as taking into account its views and useful recommendations.

Regional mechanism

27. Thailand is a strong supporter of the ASEAN Intergovernmental Commission on Human Rights (AICHR), a regional human rights mechanism. In AICHR's TOR review process, Thailand has urged AICHR to consider ways and means to strengthen its protection mandate in order to ensure full and concrete impact on the ground.

28. Thailand also supports AICHR to play a leading role in bringing together Member States to discuss and exchange experiences on implementation of their international human rights obligations and how to address common challenges. In September 2014, AICHR, in cooperation with the Thai Government, organised two events – one on the UPR process and another on the rights of migrant workers.

29. Thailand strongly advocated for the inclusion of human rights principles in ASEAN Community Vision 2025.[11] We are also working closely with AICHR in mainstreaming human rights elements in the work of the ASEAN Community. In December 2015, an AICHR Regional Dialogue on the Mainstreaming of the Rights of Persons with Disabilities in the ASEAN Community was held in Bangkok.

30. Thailand will continue to engage with AICHR and support them to carry out their mandate for the benefits of people in the region.

F. International human rights instruments

31. Thailand ratified the United Nations Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children on 17 October 2013. Thailand has also revised domestic laws and developed mechanisms for implementation.

32. Thailand is among the first countries that ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in September 2012. Since then, the Government has translated the Protocol into Thai language and disseminated it to the public. The Government is also establishing a national mechanism to implement the obligations under this instrument.

33. In February 2014, Thailand established a national committee to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which Thailand signed in 2012. The committee has endorsed the plan to draft a new legislation to ensure effective implementation of the Convention once Thailand becomes a party. At the moment, the draft Act on Prevention and Suppression of Torture and Enforced Disappearance, which has also incorporated the definition of torture as stipulated in Article 1 of the CAT, is under the consideration of the Cabinet.

34. Thailand is studying the possibility of ratifying the Optional Protocol to the CAT (OPCAT). MOJ has been working, in collaboration with various organizations such as the Association for the Prevention of Torture, International Commission of Jurists, and the OHCHR, to raise awareness and promote understanding of the OPCAT among all concerned agencies.

35. Thailand withdrew reservations and interpretative declarations to different human rights instruments in the past 4 years as follows: (1) ***the interpretative declarations to Article 6(5) and Article 9(3) of the International Covenant on Civil and Political Rights (ICCPR)*** on 6 July 2012; (2) ***the reservation to Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*** on 18 July 2012; and (3) ***the interpretative declaration to Article 18 of the Convention on the Rights of Persons with Disabilities (CRPD)*** on 5 February 2015.

36. Thailand is in the process of withdrawing the reservation to Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (MOJ is preparing to submit for cabinet approval), ratifying the Optional Protocol to the CRPD (cabinet approval expected by May 2016), and ratifying three ILO Conventions, namely the Maritime Labour Convention, 2006 (approved by the Cabinet on 31 March 2015), the ILO Convention No. 187 on occupational safety and health (approved by the Cabinet on 30 September 2015), and the ILO Convention No. 111 on discrimination in respect of employment and occupation (Ministry of Labour (MOL) is compiling feedbacks from relevant agencies).

III. Promotion and protection of human rights

A. Economic, social and cultural rights

Right to development and poverty eradication

37. The Government has put a strong emphasis on economic development, resulting in the reduction in poverty incidence in the country. Since 2011, the World Bank has upgraded Thailand's income categorisation from a lower-middle income economy to an upper-middle income economy.

38. Thailand is in the final year of the 11th National Economic and Social Development Plan (2012–2016). The Plan is guided by His Majesty the King's Sufficiency Economy Philosophy, to promote stability and sustainability. It is also intended to increase the country's resilience and adaptability, strengthen national infrastructure as well as develop human resources to have a society with people who can better adapt to changes and have equal access to resources and benefits from development.

39. The promotion of economic, social and cultural rights has led Thailand to achieve several MDGs and the country's MDG Plus targets, such as halving poverty and hunger, promoting gender equality, reversing the spread of HIV/AIDS, halving the proportion of people without sustainable access to safe drinking water and basic sanitation, improving the lives of slum dwellers, as well as being a global partnership for development.

40. Nevertheless, Thailand needs to accelerate its efforts to achieve remaining targets, including ensuring boys' and girls' primary and secondary school completion, adopting environmental sustainable development, reducing infant mortality rate and improving the maternal health in remote areas, as well as achieving the SDGs.

41. Thailand is also facing other challenges, in particular, being caught in a middle-income trap, and widening inequality and unfair distribution of income among people. The Government has tried to solve the problems by improving national competitiveness, investing on research and development, adjusting economic and social structure, such as tax system (i.e. inheritance and land taxes), as well as setting rules and regulations that are fair and consistent, ensuring equality and equal access to resources and public services, promoting rule of law, and fighting corruption and nepotism. In a shorter term, the Government has put in place measures to assist farmers and people with low incomes who are affected by economic downturns and disasters.

42. Another major challenge is the need to enhance human rights protection in the pursuit of economic growth through large-scale development projects, which may affect local people's livelihood and environment. The Government has laid out several measures to minimise impacts, for example, the requirement to systematically conduct environment and health impact assessment, the establishment of monitoring committee, and the measures to alleviate or compensate affected people, such as provision of new shelters for their relocation. The Government has also decided to suspend some projects, as a result of the concerns raised by civil society, and encouraged dialogue with local communities with a view to reaching an agreement.

43. Thailand has done its utmost to comply with global climate change obligations, including in particular through the prevention of deforestation at home.[12] Nevertheless, the Government is aware of the need to respect the rights of the people and local communities to a fair share of the benefits in the utilisation of lands and natural resources. Measures to resolve land issues for people under poverty continue to be implemented. The National Land Commission has implemented the project to grant land use permit to allow local communities to live, collectively utilise, and reserve forest lands under the idea of "community living in harmony with the forest". The project is intended to address the past problems related to transfer of land title to businesses or speculators, as well as land encroachment and deforestation.

44. The Government also puts in place rules and regulations to allow ethnic communities who can prove the trace of the past long-term land utilisation to continue living in forest lands. For those who must be relocated, particularly the ones with limited means, the Government provides assistances such as housing and occupational training, taking into consideration their culture and way of life.

45. The draft 12th National Economic and Social Development Plan (2017–2021) is currently being drafted with consultations from all sectors throughout the country. It will

focus on 4 main principles, namely (1) Sufficiency Economy Philosophy; (2) people-centred and inclusive development; (3) promoting national reform; and (4) promoting development to achieve security, prosperity and sustainability. The Plan aims to bring about a harmonious society that is resilient to changes, such as free trade, emerging technology, and natural disasters. It is also aimed at tackling challenges related to the middle-income trap, the ageing society and social inequality. The draft Plan also promotes economic and social development that is friendly to the environment, socially responsible production and investment, and green business by private sector, in order to strike the balance of conflicting interests between infrastructure development, tourism, and environmental protection and conservation of people's and community's way of life.

Right to work

46. The Government attaches high importance to protect the right to work of all persons, regardless of their ethnicity and nationality.

47. The Government has revised many laws and measures to increase protection and welfare for workers. These are, among others, the increase in daily minimum wage to 300 baht since 1 January 2013, the amendment of the Social Security Act of 2015 which expands benefits to workers in many scenarios such as unemployment, a temporary suspension of a business, or cases of self-inflicting sickness, disability, or death. The Act also extends coverage to all types of temporary employees in the government sector and Thai workers abroad employed by offices in Thailand. The adoption of the Maritime Labour Act of 2015 also provides protection to labours in accordance with the ILO standards.

48. The Government has put in place measures to ensure safety for workers as well as prepare for the ratification of the ILO Convention No. 187. These are such as the National Master Plan on Occupational Safety, Health and Environment, of which the current Plan (for 2012–2016) extends coverage to informal workers, and the Institute of Occupational Safety and Health, established in May 2015 to effectively implement the agenda.

49. Thailand has put effort to implement the voluntary pledge on the ratification of the ILO Conventions No. 87 on Freedom of Association and Protection of the Right to Organize and No. 98 on Right to Organize and Collective Bargaining. MOL has amended the Labour Relation Act to be consistent with the said Conventions and submitted for the Cabinet's approval. Nevertheless, due to concerns raised by the Employees' associations, MOL decided to withdraw the draft so that thorough discussions can be arranged to reach the agreement among all groups.

50. From June to December 2014, the Government implemented a nationwide registration scheme, in which over 1.6 million migrant workers from neighbouring countries have been registered. The registration helps ensure that these workers are protected and provided with welfare under Thai Labour law similar to Thai nationals. In addition, Thailand has strengthened cooperation with neighbouring countries to prevent labour trafficking. Thailand signed the MOU on Labour Cooperation and the Agreement on Employment of Workers with Vietnam in July 2015 (Details are being worked out and expected to become effective by the first quarter of 2016) and with Cambodia in December 2015. Similar arrangements are currently under negotiation with Myanmar and Lao PDR. These new MOUs have extended the scope of cooperation from the past employment cooperation MOUs to include other important issues such as technical cooperation and labour skills development.

51. Thailand is working on the prevention and suppression of labour trafficking, particularly in fisheries industry and its related business. On 3 March 2015, the Cabinet approved the registration scheme for migrant workers in the fisheries sector, in line with

that of regular migrant workers, to regularise and bring them under protection by Thai Labour law, including a temporary work permit and health insurance.

52. On 3 April 2015, the Prime Minister declared prevention and suppression of trafficking in persons a national agenda and instructed relevant agencies to seriously combat trafficking rings and prosecute those conspiring, including government officials.

53. In August 2015, the Criminal Court set up three new divisions, one of which has been specifically tasked to handle human trafficking cases. The new establishment helps ensure that human trafficking cases will be deliberated by judges who have expertise and understanding of the sensitivity of the issue as well as the specificity of the court procedures. Such arrangement is expected to expedite the case deliberation in an efficient, speedy, and fair manner. In addition, the Office of the Judiciary has tasked an ad-hoc Committee to draft the Human Trafficking Case Procedure Act, which will allow victims to make a claim for compensation and the Courts to order punitive damage against the perpetrators.

54. During the 27th ASEAN Summit (November 2015), Thailand and other ASEAN Member Countries signed the ASEAN Convention against Trafficking in Persons, especially Women and Children (ACTIP). The Convention has the objective to effectively prevent and combat trafficking in persons, assist victims, enhance cross-border cooperation, and provide mutual legal assistance in criminal matters and agreements on extradition. At present, the working group consisting relevant agencies is in the process of translating the Act into Thai language with a view to submit for cabinet's approval in order to proceed with the ratification.

55. The Government continues to promote and protect the rights of domestic and informal workers. Some mechanisms include (1) the issuance of the MOL Regulation No. 14 of 2012 which puts in place better protection to both documented and undocumented domestic workers, such as right to weekly holidays, paid sick leave, and wages for work on holidays, (2) the adoption of the Strategic Plan for Informal Workers Management for 2012-2016 which extends protection coverage and social security as well as provides trainings for better job opportunities, and (3) the establishment of the National Committee on Informal Workers Management in 2012 to set policies and monitor the implementation.

56. One of the main challenges is the lack of awareness of labour rights and relevant laws among employers and workers, increasing the risks of violations and abuses. The Government has addressed this issue by disseminating information such as anti-trafficking measures, worker registration scheme, labour rights protection, and safety at workplace etc. (Necessary information was also translated into Burmese, Lao, and Cambodian languages for migrant workers.) Trainings have been provided on labour rights, such as on the worst form of child labour and right to organise and collective bargaining.

Right to health

57. The Government continues to provide health insurance for the entire Thai nationals, through three main schemes, namely Civil Servant Medical Benefit Scheme, Social Health Insurance Scheme, and Universal Health Coverage Scheme. They cover several aspects, including treatment, disease prevention, health promotion, and recovery. They also protect households from being impoverished from medical care costs.

58. The Ministry of Public Health (MOPH) has put its efforts to assist people residing in Thailand who are currently not covered by any scheme, especially those with status problems and their dependents. On 20 April 2015, the Cabinet approved the resolution to add approximately 200,000 of those with status problems into the public healthcare system. MOPH is in the process of drafting the Strategy to ensure health insurance for people with status problems, to serve as a framework in the long term.

59. Registered migrant workers are entitled to receive health insurance and access to health services. In May 2015, MOPH signed a collaboration agreement with the International Organization for Migration (IOM) on the improvement of healthcare for migrant workers, both documented and undocumented, in 31 border provinces with the objective to improve their access to health care and for disease control.

60. Apart from access to health insurance, the Government is also working to cope with other challenges, such as ensuring high quality healthcare, addressing inequitable subsidies among the three public health insurance schemes, and allocating adequate budget to ensure the policy's sustainability.

61. The Government has taken steps to reduce maternal and infant mortality rates. MOPH has developed Clinical Practice Guidelines on mothers and infants and training course on normal labour and infant care for community hospitals. Trainings have also been provided for doctors and nurses working in delivery room. These practices are part of the attempts to achieve the target of reducing the maternal mortality rate to 15 per 100,000 live births (in 2014, the rate was at 23.3 per 100,000 live births) and the infant mortality rate to 8 per 1,000 live births.

62. MOPH has developed health promotional toolkits to be educational materials for school students on issues such as food, nutrition, exercise, and age-appropriate health development. It is intended to address child malnutrition problem in a sustainable manner.

Right to education

63. Each year, more than 20 per cent of the national budget has been allocated for education. The Government continues to implement an Education for All policy and ensure that all children have access to education at all levels and all categories, be they formal, non-formal, or informal. The country's net enrollment rate has always remained higher than 85 per cent and in 2014, the gross enrollment rate, calculating from children at all ages in primary education, was at 100.4 per cent.

64. The National Education Act of 1999 has expanded compulsory education from 6 years to 9 years and provided all children with 12 year basic education free of charge so that children can choose to continue higher education or work.

65. In some areas where people have unique identity and use more than one language such as those of ethnic groups or the southern border provinces, the Government has introduced the bi-lingual education programme (such as Thai-Patani Malay or Thai-other local languages) to be a tool that can effectively enhance learning and improve communication between teachers and students. The programme is hoped to bring about improvements in the quality of students' learning, as well as make students appreciate their language and culture while understanding other cultures. Nevertheless, the Government is fully aware of some challenges, particularly the lack of teachers who have expertise in both languages.

66. Thailand is still facing challenges, particularly on quality and inequality of education. The Ministry of Education (MOE) has declared education improvement a priority and will step up efforts in solving illiteracy, capacity building of teachers and education personnel especially in shortage areas, as well as reforming the system with the focus on learning and teaching methods to improve students' learning achievement. MOE has also developed Project for Long Distance Learning through Satellite to reach out to schools nationwide including those in the southern border provinces and rural areas.

B. The rights of specific groups

67. Several policies and measures have been taken to protect people in vulnerable situations, for example, the establishment of One Stop Crisis Centre (OSCC) with hotline services in 2013 to provide immediate social assistance to children, women, elderly and persons with disabilities who confront problems such as human trafficking, child labour, domestic violence, and unplanned pregnancy. In addition, community based hospital centres have also been set up to provide similar assistance in the community.

Children

68. The latest National Children and Youth Development Plan (2012–2016) was developed by incorporating recommendations from the Committee on the Rights of the Child. The Plan focuses on four main areas, namely (1) increasing life immunity, (2) protection and development of children in need of special protection, (3) capacity-building of networks for child and youth development, and (4) improvement of the administration and management system for child and youth protection and development.

69. In compliance with Article 7 of the Convention on the Rights of the Child (CRC), all children who are born in Thailand are entitled to birth registration and other rights under the Article. We also continue to consider, where appropriate, further amendment of the Civil Registration Act of 2008 and the Nationality Act of 2008, as well as provide even greater access to birth registration and individual documentation services, including late birth registration, to build on our progress in reducing vulnerability to statelessness.

70. In March 2015, the Cabinet approved the Child Support Grant Scheme which provides a 400 baht monthly allowance to newborn children, who are born to Thai parents and living in poor households, for their first year. The project aims to provide protection and basic welfare as well as help parents meet essential costs of quality child care. It is part of the Government's human development plan throughout the life-cycle. The Ministry of Social Development and Human Security (MSDHS) is extending the project to support children to at least 3 years of age.

71. The Protection of Children Born from Assisted Reproductive Technologies Act, or the Surrogacy bill, came into effect on 30 July 2015 with an aim to prevent unethical surrogacy conducts and the sales of children, and to safeguard the rights of the mother as well as the child.

72. Violent or abusive corporal punishment is prohibited by many laws, namely the Child Protection Act of 2003 which prohibits acts or omissions that inflicts physical or mental torture upon a child (Article 26), the Civil and Commercial Code which allows guardian to punish the child only in a reasonable manner for disciplinary purposes (Article 1567) and the MOE Regulation on Student Punishment of 2005 which prohibits punishment with harsh measures (Article 6). The Government is aware of existing practices and that more efforts need to be put to raise awareness among teachers and parents, especially on relevant laws and the rights of the child. Measures are also taken to promote a teachers-student relationship, the use of positive discipline, as well as an environment conducive to a child's learning and development both at home and at school.

73. MOJ is also studying the feasibility of raising the minimum age of criminal responsibility from 10 years to 12 years, in conformity with international standard and the Committee on the Rights of the Child's recommendations.

74. Despite Government efforts, violence against children remains one of the challenges in Thailand. To address the issue, the Government has adopted the Policies and Strategies for the Prevention and Responses to Violence against Children and Youth (2015–2021) that will serve as a master plan for agencies concerned, both at national and local levels.

MSDHS has already started their implementation by enhancing understanding of agencies in provincial level, and developing curriculum for training lead teachers and parents. In addition, Thailand was also a lead country in advocating for the ASEAN Regional Plan of Action on Elimination of Violence against Children, adopted at the 27th ASEAN Summit in November 2015.

75. The efforts to tackle child labour have been intensified and yielded positive results. In 2013, the National Committee to Eliminate the Worst Forms of Child Labour[13] issued the notification on a compiled list of hazardous works, which is due obligations in compliance with the ILO Convention No. 182, to protect children. Other notable actions are such as changing the laws to raise the minimum age for works in agricultural sector (from 13 to 15 years of age) and in sea fishing vessels (from 16 to 18 years of age) in 2014. Since 2015, the Government has proactively partnered with all stakeholders, particularly the private sector in sugar industry and sugarcane farmer, to eliminate the use of child labour in an entire production chain. The Government is also planning to carry out the nationwide survey on child workers in key industries in 2016.

76. MOL is drafting a National Plan to eliminate the use of child labour in worst forms (2015–2020), under the vision "Thailand safe from child labour in worst forms within the 2020 fiscal year."

77. Such positive progress has made the United States Department of Labour decided to upgrade Thailand to the country that made "significant advancement", which is the top of assessment, in efforts to eliminate the worst of child labour in their "Findings on the Worst Forms of Child Labour 2014".

Women

78. The Women's Development Plan (2012–2016) has been developed, in line with the principles of relevant international human rights standards such as the CEDAW and the Beijing Declaration, to provide policy direction for the promotion and protection of women's rights as well as the empowerment of women in the society. To achieve these goals, the Plan identifies five strategies, namely (1) promote the positive attitudes towards gender equality, (2) develop women's capacity and opportunity, (3) promote women's health and reproductive health and rights, (4) promote women's participation in the politics, administration and decision-making process, and (5) enhance the capacity of mechanisms and women's organisations at all levels.

79. The Government launched the Women's Development Fund in 2012 to enhance women's economic opportunities through a revolving fund for women's groups. The Fund also serves as a tool to promote women's leadership and management skills through women's empowerment projects.

80. To further increase gender equality, since 2012, the Cabinet has approved paid leave of up to 15 days for male government officials whose wives have given birth. MOL has also worked to seek cooperation from the private sector to grant the same benefits of paternity leave to their male workers.

81. Thailand attaches importance to eliminating violence against women. Apart from the Protection of Victims of Domestic Violence Act of 2007, additional legal measures have been adopted to further protect women. Recent developments are, among others, the Amendment to Article 397 of the Penal Code regarding the punishment of acts involving sexual harassment or intimidation both in public and domestic realms (effective in February 2015) and the measures to prevent and address sexual violations and harassment in the workplace (approved by the Cabinet in June 2015).

82. Thailand joined other ASEAN Member States in the adoption of the Declaration on the Elimination of Violence against Women and Elimination of Violence against Children in ASEAN in October 2013. Thailand also served as the lead country in drafting the ASEAN Regional Plan of Action of Elimination on Violence against Women, adopted at the 27th ASEAN Summit in November 2015.

83. At the United Nations, Thailand has advocated for the enhancement of gender-specific criminal justice policy and strategies in order to curb gender-related killing of women and girls in different circumstances. The resolution "Taking action against gender-related killings of women and girls", proposed by Thailand and Croatia, was adopted by consensus at the CCPCJ (in May 2015), and subsequently the ECOSOC (in July 2015), and the UNGA70 Third Committee (in November 2015).

84. The Government has been continuously implementing the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, or the "Bangkok Rules" to eliminate discrimination against women prisoners by mainstreaming gender sensitivity in the criminal justice system. Thailand Institute of Justice (TIJ) was established in 2011 and has played an important role in promoting the implementation of the Bangkok Rules through its researches and capacity-building programmes. TIJ has partnered with the Department of Corrections to initiate the Pilot Project on model prisons to implement the Bangkok Rules.

85. The Government is committed to addressing the issue of teenage pregnancy which has been on the increase in the past few years. Sexuality and life skills education have been made a compulsory subject in schools and a network of teachers and members of the local communities have been developed to provide mentorship and guidance to students. In addition, teenage clinics have been established, by MOPH, throughout the country to promote sexuality education, general health care and birth control.

86. In December 2014, the National Youth Commission on Child and Youth Development has endorsed the implementation of "One Goal, One Plan" to reduce teenage pregnancy and set the target of reducing teenage pregnancy by 50 per cent by 2024 (from the rate in 2013). In September 2015, the Cabinet approved the Act on Teenage Pregnancy Prevention, drafted in compliance with the CRC, CEDAW, CRPD and the International Conference on Population and Development (ICPD) Programme of Action. The Act indicates measures to address the problem including compulsory comprehensive sexuality education in all academic institutions, provision of sexual and reproductive health services for adolescents, and access to continued education for pregnant students.

87. Thailand has taken many initiatives to increase the participation of women in politics over the past years, through partnership and collaboration among government agencies, NGOs, and women networks. Efforts have been made to improve knowledge, understanding and skills of women on the constitution and relevant laws and the importance of women's participation in politics and administrative functions. Training and workshops have been organised to prepare women candidates before their local elections.

88. Although many policies and measures have been developed, the Government is fully aware of the need to step up its efforts to fill the remaining gaps. Priorities are given to (1) development of curriculum on gender roles to cultivate positive attitudes among children, (2) collection of sex disaggregated data to be used in analyzing situations, formulating gender-sensitive policies, and monitoring implementation, and (3) promotion of gender-responsive budgeting among relevant public agencies to ensure that allocation of public resources is conducive to the realisation of gender equality and women's empowerment.

Older persons

89. In 2015, the National Economic and Social Development Board estimated that there were approximately 10 million of older persons in the country or about 15 per cent of the total population. The figure indicates that Thailand has entered into an aging society for more than a decade as older persons accounted for 10.5 per cent of the total population in 2005.

90. The 2nd National Plan for Older Persons (2002–2021) was prepared in accordance with the Madrid International Plan of Action on Ageing 2002. The 2003 Older Persons Act is considered to be a legal instrument that safeguards the rights of older persons.

91. The old-age allowance system aims at guaranteeing basic income for all Thai population at the age of 60 or above (except those who were on government pensions). The scheme provides allowance as follows: 600 baht per month for those aged 60–69 years, 700 baht for 70–79 years, 800 baht for 80–89 years and 1,000 baht for those 90 years of age or above.

92. To further provide a safety net and ensure that all Thai population have pensions to maintain their minimum standard of living after retirement, the Government established the "National Savings Fund" in August 2015. The Fund is open for all citizens aged between 15–59 years old and requires members' monthly contribution, after which they will receive matching contribution from the Government in their savings. The Fund targets citizens who are self-employed or working in informal sectors that are not covered by the Government's pension programmes or private provident funds. As of now, there are almost 400,000 members participating in this Fund.

93. The Government's Universal Health Coverage scheme ensures equitable entitlement to health care for all Thais including older persons. MOPH has put an emphasis on the following programmes for the elderly: home health care, clinics for the elderly, disease prevention, long-term care, health promotion, and social activities.

94. In 2013, the Government, in collaboration with local government administrations and older person network, established the Elderly Development Center in every district. The Government has also worked in partnership with the two bodies to repair homes and public environment to ensure safety for older persons through the promotion of the knowledge on the "Universal Design" to the public to encourage local implementation.

95. The 20 year National Plan for older persons' success lies in close monitoring and evaluation to be conducted every five years, next one scheduled in 2017, to follow up the implementation progress and identify challenges that need further actions.

96. As Thailand is entering the aging society, the Government would need to equip human resources who provide services to older persons, such as caregivers and medical staff, prepare budget to cover increasing expenditures in relevant programmes such as the old-age allowance and the Universal Health Coverage scheme, as well as prepare to cope with other related consequences such as the shortage of labour.

Persons with disabilities

97. The Persons with Disabilities Empowerment Act of 2007 continues to be the rights-based legal foundation for the protection of the rights of persons with disabilities for all agencies. Amendment to the Act was made in 2013 to include measures to further ensure accessibility and better provide welfare and other assistances. The Amendment also establishes the Disability Services Centers to provide community-based services to persons with disabilities, as well as promotes collaboration with organisations of persons with disabilities.

98. In terms of policy framework, the country has been implementing the 4th National Plan on Empowerment of Persons with Disabilities (2012–2016), aiming for persons with disabilities to live independently and happily in the society with full and equal rights. The Plan also places emphasis on empowering persons with disabilities, their families, and organisations, as well as promoting a barrier-free society.

99. In November 2012, the Cabinet approved measures to ensure accessibility of persons with disabilities to public buildings, and to provide at least 5 types of facilities, namely, ramps, restrooms, parking areas, signs and symbols, and information services within 2015. Other examples are the increase of the monthly disability allowance from 500 baht to 800 baht or an increase of 60 per cent (the Cabinet Resolution on 25 November 2014), and the increase of loans to support persons with disabilities and guardians in their self-employed occupation from 40,000 baht to 60,000 baht per person (or an increase of 50 per cent).

100. The Government also attaches importance to amending other legislations and practices that are not in compliance with the CRPD. To illustrate, the new Copyright Act of 2015, which was amended for the first time after 20 years of enactment, makes exceptions to the reproduction or adaptation of copyright works for the benefit of the persons with disabilities, provided that it is non-profit purposes.

101. Other cases in point are, among others, (1) the Constitutional Court's ruling in June 2012 whereby the disqualification for judicial service on the basis of a person's disabilities was deemed unconstitutional and not compliant with the CRPD, and (2) the Supreme Administrative Court's ruling in January 2015 which ordered Bangkok Metropolitan Administration and Bangkok Transport System to install elevators and other equipment to assist disabled passengers in every sky train station in order to ensure transportation accessibilities.

102. Measures to promote employment for persons with disabilities, such as the Regulation on the Employment of Persons with Disabilities of 2011, continue to be strictly enforced. The Fund for Empowerment of Persons with Disabilities, part of which was collected from employers or entrepreneurs who do not employ persons with disabilities by the set ratio (1 person with disabilities per 100 workers), has been utilised to empower persons with disabilities, such as loans for entrepreneurs with disabilities, and the support for organisations to carry out persons with disabilities empowerment projects.

103. Stigma and discrimination against people with disabilities still persist in the society. The Government addresses this by promoting positive attitudes among the public and the communities through organizing workshops and trainings on disabilities equality and awarding persons with disabilities with outstanding performance in various fields.

Ethnic groups

104. Ethnic groups are protected by the law without discrimination and are entitled to have access to public services including education, health care and employment opportunity.

105. MSDHS established the National Plan for Development of Ethnic Groups in Thailand (2015–2017) as mechanism to assist ethnic groups in various aspects, such as access to farm land, legal status including enhancing the balance and security while able to adjust to external changes.

106. The Ministry of Culture and MOE laid down measures to preserve ethnic groups' culture (such as the registration of intangible cultural heritage which includes ethnic languages and folk wisdom, and establishment of folklore/arts museums), and promote bilingual study, respectively.

107. The Government attaches great importance to solving problems relating to person's legal status through universal birth registration, population survey, and issuance of identity cards. The Government frequently considers granting legal status or nationality to ethnic group members according to relevant regulations to improve their access to basic rights and social welfare.

Displaced persons and asylum seekers

108. As a major country of transit and destination, Thailand has long been affected by mass influx of irregular migrants.

109. While Thailand is not party to the 1951 Refugee Convention, we have long been committed to our humanitarian tradition. We provided shelters for displaced persons and refugees from Indochina during 1970s and have provided similar assistance for displaced persons from Myanmar for the past 4 decades, with some 110,000 still remain under our care today. We have also shouldered a large group of maritime irregular migrants from Rakhine and Bangladesh as well as some 9,000 Persons of Concern to UNHCR in urban settings.

110. Latest development in Myanmar continues to bring hope to various groups of persons under our protection. We therefore have worked on the promotion of preparedness for voluntary return such as agricultural and farming trainings, and training of Myanmar personnel on landmine clearance. We also cooperated with UNHCR in developing a database of all displaced persons in temporary shelters. Providing a voluntary, safe, dignified, and sustainable return for Myanmar displaced persons is a top priority for the Government.

111. We also attach importance to providing development assistance to bring about sustainable development, particularly in Rakhine State. In the past years, Thailand has contributed some financial assistance for the construction of shelters for internally displaced persons and projects to provide agricultural trainings and equipment to local people.

112. Since early 2013, Thailand has provided assistance to a large number of irregular migrants from Rakhine State and Bangladesh, with the main policy to provide temporary protection while seeking long-term solutions. Moreover, Thailand has put in efforts to seriously tackle smuggling and trafficking criminal groups, including those that prey on irregular migrants.

113. As maritime irregular migration requires shared international responsibility, Thailand therefore hosted two Special Meetings on Irregular Migration in the Indian Ocean (in May and December 2015). The meetings aimed to exchange information and jointly identified measures to prevent and address the problem comprehensively at all stages with the involvement of countries of origin, transit, and destination, in order to achieve sustainable solution on the basis of international burden sharing.

114. Thailand still faces challenges with providing assistance to irregular migrants who remain in the country for a long period of time because UNHCR's refugee status determination and resettlement processes take long time. At present, Thailand, in cooperation with relevant international organisations and civil society, is planning to expand the detention centers and improve living condition and welfare for the detainees. We also grant bail until their resettlement or return solutions are met for certain urban cases.

115. We are in the process of studying existing screening systems of other countries to effectively screen migrants who genuinely require protection. We hope to find an effective and sustainable system that can be applied to our context.

C. Civil and political rights

Freedom of opinion and expression, and freedom of assembly

116. Thailand fully respects freedom of opinion and expression and freedom of assembly as they form basic foundation of a democratic society. However, freedom of expression shall be exercised in a constructive manner and does not insult any faith or belief system, be they religions or main institutions. In addition, freedom of expression should also be exercised in an appropriate context, which means time, place and manner, and shall not disrupt social order and security.

117. The Government encourages exchanging of views including through public hearings, about national reform and drafting of the new Constitution by all sectors of the society, both at national and international level.

118. The Thai monarchy is highly revered and has been a pillar of stability in the country. The Lèse-majesté law is part of the Criminal code and gives protection to the rights or reputations of the King, the Queen, the Heir-apparent, or the Regent. It is in a similar way libel law does for commoners. The law is to protect the rights or reputations of the institutions. It is not aimed at curbing people's rights to freedom of expression or academic freedom. As with other criminal offences, proceedings on lèse-majesté cases are conducted in accordance with due legal process and those convicted are entitled to receive royal pardon.

119. In July 2015, Thailand has enforced the Public Assembly Act of 2015 with a view to ensuring that public assembly be conducted in a peaceful manner and does not interrupt public order and well-being of the people, while respecting people's right to freedom of assembly.

Administration of justice

120. The Government attaches great importance to the administration of justice and has taken numerous measures to ensure people's access to justice which includes the promulgation of the Justice Fund Act of 2015, under the responsibility of MOJ. The Department of Civil Rights Protection and Legal Aid, under the Office of the Attorney-General, also renders legal assistance to the poor, such as the provision of free legal counselling and assistance in judicial proceedings. These measures aim to guarantee people's equal access to justice and help narrow the inequalities in the society.

121. The Government has also attempted to extend the provision of legal assistance to non-Thai citizens, for instance, the provision of interpreter services for everyone, be they the convict, defendants, or plaintiffs, in the investigation, a critical stage that shapes the case's direction. Such assistance is in addition to the assistance usually rendered by civil society.

122. In order to guarantee the right to compensation by the State, the Cabinet recently approved the MOJ's proposal to amend the Damages for the Injured Person and Compensation and Expense for the Accused in Criminal Case Act of 2001. Such amendment aims to add trafficking in persons as an eligible criminal offence from which the injured person can seek compensation. The amendment is currently under the review by the Council of State.

123. In 2014, RLPD set up Centre for remedies for victims of criminal acts, which plays an active role in providing assistance in urgent and/or important cases. The Department also put in place awareness raising programmes for rights in criminal justice among the people. The Department has set up a help desk at 76 provincial police stations around the country, to provide legal advice and receive requests for compensation in criminal cases.

124. Despite the necessity to invoke special security laws in certain areas in Southern Border Provinces, the possibility to reduce the use of these laws has been under constant review. Additionally, the enforcement of such laws has been undertaken with extreme caution to ensure that it does not lead to human rights violations. The Government also encourages those who have been involved in criminal acts to surrender and cooperate with the authority. In return, they will be exempted from being incriminated and supported to reintegrate into the community.

125. The Government has adopted His Majesty the King's approach of "Understand, Reach Out and Develop" to the improvement of the lives of people in the southern border provinces, giving importance to people's participation in protecting their own community. The Government has indicated administration of justice one of priorities in the strategy to address the problem and instructed relevant agencies to expedite the enhancement of justice system to be just and transparent, the rapid investigation including cases that are of public interest, and the provision of remedies or compensations for those who are affected. The strategy is expected to help regain confidence from the locals and other sectors.

126. Southern Border Provinces Administrative Centre (SBPAC) has established the Centre for Justice at the District level (or Keadilan Center) to receive complaints, settle dispute, provide legal advice on judicial proceedings, and coordinate with relevant authority in providing remedies and compensation. The Centre has also set up a hotline service to serve as another channel of complaint.

127. Combating corruption remains one of the Government's priorities and legislative branch's reform areas. Since becoming party to the UNCAC in 2011, Thailand has been reviewing legislations to further promote effective implementation of the Convention.

Justice system

128. The Department of Corrections has recently proposed to amend the Penitentiary Act of 1936. It has the objective to reform the national corrections system to be more consistent with international standards such as the Standard Minimum Rules for the Treatment of Prisoners (SMR) and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). The draft Amendment is currently under the review of the Council of State.

129. On 6 November 2015, NLA approved the draft Amendment to the Criminal Procedure Code relating to the use of electronic monitoring device for those who are temporary released, criteria for enforcement against bail bond agent, and appeal in the case of refused request to temporary release. The draft Amendment would help address the issue of overcrowded prisons and bring about equality in justice as it gives the convict and defendants better opportunity to request for temporary release including those who are poor and without property/asset used as bail security. The Office of the Court of Justice is also establishing a Centre for Electronic Monitoring and will soon issue an internal regulation for the guideline for its use.

130. With regard to prisoner's health, MOPH has launched pilot projects to improve prisoners' access to health services in five provinces.[14] The National Health Security Office is in the process of conducting a study and providing recommendations to ensure that the health insurance system covers inmates.

131. MOJ has drafted the Act on Community Dispute Resolution which sets out measures and conditions to allow representative of the community to mediate and resolve civil and criminal disputes in compoundable or petty offences. It is hoped to help reduce pending cases in the Court as well as solve overcrowded prisons. The Cabinet has approved the principles of the draft Act and instructed relevant agencies to further study the law's jurisdiction, *ex ante* evaluation, and how to reduce inequality in the justice system.

Prohibition of torture and enforced disappearance

132. RLPD has proposed the draft Prevention and Suppression of Torture and Enforced Disappearance for the Cabinet's consideration. This draft law, if enforced, will serve as the implementing legislation of CAT, to which Thailand is a party, and enables the ratification of ICPPED, which Thailand signed in 2012.

133. RLPD attaches great importance to training law enforcement officers with a view to raise awareness and educate officers about CAT and ICPPED in order to prevent them from violating obligations set out in the said Conventions.

134. The Department of Corrections has been studying the possibility to use alternative to incarceration. In 23 January 2013, the Department launched pilot projects at Bangkwang Central Prison by removing shackles from all inmates regardless of their offence or length of imprisonment term, except for those who are not allowed by Section 14 of the Penitentiary Act of 1936 (i.e. inmates who are likely to cause bodily harm to themselves or others, or inmates who are likely to escape). The Department aims to expand such practice to other prisons and all correctional facilities.

D. Promotion of human rights education and training

First Phase

135. The National Education Act of 1999 has helped to mainstream human rights education into the school system by inculcating a sound awareness of politics, democracy, government, and constitution that promotes and protects the rights, liberties, responsibilities, the respect for the rule of law, and human dignity in the learning process. Besides, the National Education Scheme also reflects human rights principles in teaching and learning methodology through content and activities that take into consideration individual and cultural differences, and encourages cooperation with parents, community, civil society, and international organisations.

Second Phase

136. Human rights education has been promoted in higher education. There is an increasing number of courses on human rights, be they compulsory or elective, in university departments such as law, political science, education, pharmaceutical science, and in Rajabhat University. The content covers a range of topics including international law, principles, philosophy and evolution of human rights, and relevant mechanisms. At present, there are universities that offer undergraduate and postgraduate (Master's and Doctoral) degrees in human rights. In addition, many government agencies, such as MFA, MOJ, MSDHS, and Office of the Judiciary, in collaboration with relevant civil society and international organisations, provide human rights training programmes to concerned officials, with the focus on police officers, military personnel, corrections officers, and judicial personnel.

Third Phase

137. Media professionals and journalists enjoy the liberties to present news, information, or opinions in the country, provided that it is not in contrary to professional ethics that have been developed to be a guideline by independent bodies and press and journalist associations. In addition, government agencies, including the Public Relations Department, the Office of the National Broadcasting and Telecommunications Commission, and the National Press Council and Thai Journalists Association have developed regulations and codes of conducts for communication and information dissemination with the emphasis on

the respect on human rights, particularly the principles of non-discrimination and social responsibility.

138. The Government recognises that some challenges remain and strives to make human rights education in school more interesting and accessible, expand the provision of human rights courses in universities, and intensify the curriculum to enhance students' knowledge and awareness. To succeed, the Government, in cooperation with interested partners, must provide trainings for teachers and teaching staff. The self-regulation mechanism should be further strengthened to enable the media to strike a right balance between rating and the respect for professional ethics and thereby refraining from presenting contents which contain discrimination, violence, or hatred.

E. Cooperation with special procedures mandate holders of the HRC

139. Thailand issued a standing invitation to all special procedures mandate holders of the HRC during our first cycle UPR review in 2011.

140. Thailand welcomed the visit of the Special Rapporteur on the human rights to safe drinking water and sanitation on 1–8 February 2013. The Special Rapporteur had an opportunity to meet with relevant government agencies, private sector, and civil society. These agencies have taken into account the Special Rapporteur's recommendations in their implementation to improve the right to safe drinking water and sanitation in the country.

IV. National reform

141. National reform is one of the Government's main priorities. It is hoped that the reform will help improve infrastructure, enhance the efficiency of public administration, and solve pending problems that are obstacles to the country's development. The Government has identified 11 reform areas that it wishes to push forward.[15]

142. To successfully push forward the reform agenda, the National Reform Steering Assembly (NRSA)[16] is in the process of drafting the Action Plan and identifying targets of each reform area. This is: for example, political reform aims to resolve conflicts, promote reconciliation through dialogue with all groups, establish the mechanism of coming to political power in a transparent manner, checks and balances through the strengthening of the parliament and independent institutions, and create a political culture free from nepotism; public administration reform aims to improve mechanism that better integrate the works among government agencies at central, provincial, and local levels, build capacity for Damrongdhama Center[17], and promote good governance among public officials; law and justice reform focuses on addressing the issue of law enforcement and administration of justice to reduce inequality and increase efficiency of the justice system; and local administration reform focuses on decentralisation and public participation.

143. Once the Cabinet and NLA approve the said Action Plan, NRSA can push forward the reform to bring about concrete outcomes and will continue the agenda through the 20 Year Country Strategy and Organic Law on National Reform which will be drafted after the Constitution is approved. The reform agenda also requires participation from all sectors.

V. Overall challenges

144. Understanding of general human rights issues and the UPR process among government officials and the public remains limited. The Government needs to put greater

efforts in raising awareness on those issues to bring about enthusiasm among the public to make them interested in participating in the UPR process and human rights works.

145. Human rights infrastructures in the country need to be further strengthened. At present, some challenges remain in the full realization of human rights values, updating domestic laws, and efficiency of human rights institutions. The Government needs to reform and strengthen related mechanism consistent with international obligations, promote human rights education to embed human rights value, and encourage other sectors, such as business sector, to embrace social responsibility more seriously through cooperation, legal framework or incentive schemes, so that the protection of human rights can be effective, inclusive and sustainable.

146. Several human rights issues today are not constrained within one country, but causing trans-boundary impacts, such as migration and environment (such as transboundary haze). Such phenomenon requires the Government to seek cooperation and exchange experiences with other countries, especially those in the region (for example, ASEAN) and other partners, such as relevant regional mechanisms and international organisations, to handle those common challenges in a more systematic and efficient manner.

147. The current political context in the country has brought about challenges in striking a right balance between the attempt in pushing forward reconciliation, security, national reform and full protection of human rights, and the need to restrict certain rights and liberties of the people (such as freedom of expression and of assembly). This balance is necessary so as to prevent actions that will bring about hatred and more social divisiveness, while encouraging constructive dialogue – all of which would pave the way to reconciliation, push forward the reform agenda, and lay a strong foundation toward a successful and sustainable democracy.

148. There remains an issue of trust deficit between government agencies and civil society. The Government needs to encourage more cooperation, such as providing space for genuine, constructive and truthful dialogues to bridge the gap and bring about partnership in protecting human rights for the people.

VI. Future direction

149. To effectively promote and protect human rights as well as to successfully and concretely address long-term challenges, continuity of the Government's commitments and policies and cooperation from all sectors are required.

150. The Government is drafting the 12th National Economic and Social Development Plan (2017–2021) and the 20 Year Country Strategy which would focus on human-centered development for security, prosperity and sustainability, as well as inequality reduction, as inspired by His Majesty the King's Sufficiency Economy Philosophy. The Government needs to develop human rights based indicators and systematic disaggregated data collection in order to monitor the progress and shape policies to achieve development and human right targets in a more efficient, concrete and sustainable manner.

151. National reform in different areas will help lay a strong foundation for an effective and long-term development in the country. It is hoped to bring about sustainable development as well as sustainable democracy based on rule of law, good governance and human rights. It is important that promotion and protection of human rights must begin at the individual level. Human rights can only best flourish and grow when community and society are embedded with human rights value and culture.

152. The Government will continue to strengthen and enhance cooperation through relevant regional mechanisms such as AICHR, other cooperation frameworks in the

ASEAN, the Bali Process. These mechanisms will play more important role in addressing several human rights problems. Cooperation and capacity building through these mechanisms as well as support from the UN and relevant international organisations are keys to the success of the promotion and protection of human rights in the country and in the region.

Notes

[1] Chaired by Permanent Secretary of the Ministry of Foreign Affairs and comprising all relevant agencies as well as the National Human Rights Commission, academics and civil society.
[2] Approved by the Cabinet in November 2014.
[3] The report can be found at http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx
[4] For example, in September 2014, the Government partnered with AICHR to organise the Workshop on Sharing of Experiences on UPR among ASEAN Member States in Bangkok, in order to exchange experience and share best practices on UPR process with countries in the region and interested partners (such as Switzerland and OHCHR).
[5] Thailand requested for technical assistance from OHCHR, with the support of the UPR Trust Fund, in implementing recommendations related to the CAT which require technical expertise.
[6] These are, such as, the Administrative Courts, the Attorney-General, the Election Commission, the Ombudsman, the National Anti-Corruption Commission, the Auditor-General, and the National Human Rights Commission.
[7] 11 issues are public health; education; economic rights; natural resources and the environment; housing; cultural rights and rights concerning religion; data, information, information technology, and communication; transportation; civil and political rights; judicial process; and social security.
[8] 15 target groups are the accused persons/ persons deprived of liberty; former inmates/ persons released from detention; accused persons charged with drug-related offences/ drug addicts and individuals who have undergone rehabilitation treatments for drug addiction; victims and injured persons; persons living with HIV/AIDS; workers; people living in poverty/ individuals affected by the development process; farmers; older persons; children and youth; women; persons with disabilities; stateless persons, ethnic groups, and asylum seekers or displaced persons; individuals affected by violent situations; and persons with different sexual orientation/ gender identities.
[9] Under the Ministry of Justice.
[10] By the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).
[11] Adopted at the 27th ASEAN Summit in November 2015.
[12] For example, in November 2015, the Cabinet approved the country's endorsement of the New York Declaration on Forests which strives to end natural forest loss by 2030.
[13] Chaired by the Minister of Labour.
[14] The five provinces are namely Nongkhai, Ratchaburi, Nakhon Pathom, Phra Nakhon Si Ayutthaya, and Nakhon Si Thammarat.
[15] These are politics, public administration, law and justice, local administration, education, economy, energy, public health and environment, mass media, society, and sports, arts, culture, religion, morality and ethics.
[16] The NRSA comprises experts and representatives from both government agencies and civil society.
[17] Damrongdhama Center is resolution and information center for general complaints across the country.

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Thailand

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

1. International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (2003) ICESCR (1999) ICCPR (1996) CEDAW (1985) CAT (2007) CRC (1992) OP-CRC-AC (2006) OP-CRC-SC (2006) CRPD (2008)	ICPPED (signature, 2012)	ICCPR-OP 2 OP-CAT ICRMW ICPPED (signature, 2012)
Reservations and/or declarations	ICERD (interpretative declaration, 2003; reservations, art. 4 (a) (b) and (c) and art. 22, 2003) ICESCR (declaration, art. 1 (1), 1999) ICCPR (declaration, art. 1 (1) and art. 20, 1996) CEDAW (declaration, 1985; reservation, art. 29 (1), 1985; withdrawal of reservation, art. 11 (1) (b) and art. 15 (3), 1991; withdrawal of reservation, art. 9 (2), 1992) CAT (interpretative declaration, art. 1, art. 4 and art. 5, 2007; reservation, art. 30 (1), 2007) CRC (reservation, art. 22, 1992; withdrawal of reservation, art. 29, 1997; withdrawal of reservation, art. 7, 2010) OP-CRC-AC (declaration, art. 3 (2): 18 years, 2006)	ICCPR (withdrawal of declarations, art. 6 (5) and art. 9 (3), 2012) CEDAW (withdrawal of reservation, art. 16, 2012) CRPD (withdrawal interpretative declaration, art. 18, 2015)	

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Complaints procedures, inquiries and urgent action[3]	OP-CEDAW, art. 8 (2000) CAT, art. 20 (2007)	OP-CRC-IC, arts. 12 and 13 (2012) ICPPED (signature, 2011)	ICERD, art. 14 OP-ICESCR ICCPR, art. 41 ICCPR-OP 1 CAT, arts. 21 and 22 OP-CRC-IC, art. 12 ICRMW OP-CRPD ICPPED (signature, 2011)

2. Other main relevant international instruments[4]

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession			Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Palermo Protocol[5] Conventions on refugees and stateless persons[6]
	Geneva Conventions of 12 August 1949[7]		Additional Protocol I, II and III to the 1949 Geneva Conventions[8]
	ILO fundamental conventions except Nos. 87, 98 and 111[9]		ILO Conventions Nos. 169 and 189[10] Convention against Discrimination in Education

1. Several treaty bodies encouraged Thailand to ratify OP-ICESCR, ICCPR-OP1, ICCPR-OP 2, OP-CAT, OP-CRPD, ICRMW and ICPPED.[11]

2. In 2014, the Committee against Torture recommended that Thailand consider withdrawing the declarations to articles 1, 4 and 5 of the Convention.[12] In 2012, the Committee on the Rights of the Child recommended the withdrawal of its reservation concerning article 22.[13] In 2012, the Committee on the Elimination of Racial Discrimination urged Thailand to withdraw its interpretative declaration on the Convention[14] and its reservation to article 4.[15]

3. The Committee on the Rights of the Child and United Nations country team in Thailand recommended ratifying the Conventions on Statelessness,[16] the Convention against Discrimination in Education[17] and ILO Convention No. 189.[18] The Committee on the Elimination of Racial Discrimination encouraged Thailand to pursue the universal periodic review commitment to review its position on the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.[19]

4. The Special Rapporteur on trafficking in persons, especially women and children, recommended that the Government of Thailand ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, ICRMW and ILO Convention No. 189.[20]

5. In 2015, the Committee on Economic, Social and Cultural Rights[21] encouraged Thailand to ILO Convention No. 169. The same Committee recommended considering ratifying ILO Work in Fishing Convention, 2007 (No. 188)[22] and Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).[23]

B. Constitutional and legislative framework

6. In the light of the ongoing constitutional reform, the Committee on Economic, Social and Cultural Rights invited Thailand to give direct constitutional recognition to the Covenant to guarantee its enforceability by courts.[24]

7. The United Nations High Commissioner for Human Rights and the country team expressed concerns that, following the military coup in May 2014, the Interim Constitution gave unfettered powers to the National Council for Peace and Order to give any order deemed necessary and that the orders issued by the Council, regardless of their executive, legislative and judicial force, were deemed to be legal, constitutional and conclusive.[25]

8. The country team recommended that the new constitution drafting process be inclusive and participatory, and that the key democratic and human rights principles be incorporated in the new constitution in line with the obligations of Thailand under international human rights law.[26]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[27]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[28]
National Human Rights Commission of Thailand	A (2008)	B (2016)

9. The Committee on Economic, Social and Cultural Rights was concerned about the institutional shortcomings of the National Human Rights Commission of Thailand recommending that all necessary measures be taken, including the recommendations made by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, to ensure that the Commission is a fully independent institution to fulfil its mandate in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[29] The Committee on the Rights of Child urged Thailand to establish a special unit for children.[30]

10. The country team noted the third National Human Rights Action Plan (2014-2018) and expressed concern that implementation challenges remained owing to bottlenecks in the coordination mechanism, a lack of understanding of the policies at the implementation level, the insufficient and/or uncoordinated data system, insufficient budget and in some cases, the poor quality of some of the policies.[31]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
Committee on the Elimination of Racial Discrimination			August 2012	Combined fourth to seventh reports due in 2016
Committee on Economic, Social and Cultural Rights	-	2012	June 2015	Third report due in 2020
Human Rights Committee	July 2005	2015	-	Second report pending consideration
Committee on the Elimination of Discrimination of Women	February 2006	2015	-	Combined sixth to seventh reports pending consideration
Committee against Torture	-	2013	May 2014	Second report due in 2018
Committee on the Rights of the Child	January 2006		February 2012 (CRC, OP-CRC-AC and OP-CRC-SC, 2012)	Combined fifth to sixth reports due 2017
Committee on the Rights of Persons with Disabilities	-	2012	-	Initial report pending consideration in 2016

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
Committee on the Elimination of Racial	2013	Situation of Malayu women; application of special laws in the southern border provinces;	2014.[33] Follow-up dialogue ongoing[34]

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
Discrimination		refugees and asylum seekers[32]	
Committee against Torture	2015	Legal safeguards for detained persons; investigations of allegations of torture by law enforcement personnel; and prosecuting suspects and sanctioning perpetrators of torture or ill-treatment[35]	2015.[36] Follow-up dialogue ongoing

B. Cooperation with special procedures[37]

	Status during previous cycle	*Current status*
Standing invitation	No	Yes
Visits undertaken	Human rights defenders	Trafficking
		Water and sanitation
Visits agreed to in principle	Trafficking	Torture
	Sale of children	
Visits requested	Health	Disappearances
	Freedom of opinion and expression	Human rights and counter-terrorism
	Summary execution	Human rights defenders
	Minority	Food
	Arbitrary detention	Freedom of association and assembly
	Housing	Racism
	Water and sanitation	Internally displaced persons
	Counter terrorism	Extreme poverty
	Migrants	Disposal of hazardous substances and wastes
	Food	Sale of children
	Human rights defenders	Minority issues
		Arbitrary detention
Responses to letters of allegation and urgent appeals	During the period under review, 39 communications were sent and the Government replied to 30 of them.	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

11. Thailand contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2013, 2014 and 2015.

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

12. The Committee on Economic, Social and Cultural Rights recommended that Thailand adopt a comprehensive anti-discrimination law that includes all the grounds for discrimination set out in article 2 of the Covenant.[38]

13. The Committee on Economic, Social and Cultural Rights noted the adoption of the Gender Equality Act 2015, but was concerned that the Act permitted discrimination against women, inter alia, on grounds of religious practice and national security.[39]

14. The Committee on the Elimination of Racial Discrimination urged Thailand to introduce a definition of racial discrimination into its legislation, in accordance with article 1 of the Convention, and to make it an offence punishable by law.[40]

15. The Committee on the Elimination of Racial Discrimination remained seriously concerned at the discriminatory impact of the application of the special laws in force in the southern border provinces, including reports of identity checks and arrests carried out on the basis of racial profiling, as well as reports of torture and enforced disappearance of Malayu Thais.[41] It was also concerned by reports that Malayu women were facing double discrimination in many fields of political and social life.[42]

B. Right to life, liberty and security of the person

16. The country team expressed concern about the inclusion of the death penalty in the new Anti-Corruption Law urging Thailand to repeal the clause expanding the use of the death penalty for economic crimes.[43]

17. The Committee against Torture remained seriously concerned at: the absence of a definition of enforced disappearance and the absence of the recognition of enforced disappearance as an offence in the domestic legislation; the continuing and numerous alleged cases of enforced disappearance, in particular against human rights, anti-corruption and environmental activists, as well as witnesses of human rights violations; and the failure to resolve most cases of enforced disappearance, provide remedy to the relatives of missing persons, and prosecute those responsible.[44] The Committee on Economic, Social and Cultural Rights expressed related concerns.[45]

18. The High Commissioner for Human Rights urged the Government to take decisive and sustained efforts to investigate the whereabouts of at least 82 people listed as disappeared, including respected lawyer Somchai Neelapaijit who went missing nearly twelve years ago. The High Commissioner also called on the Government to criminalize enforced disappearance in legislation, in line with international standards, and to ratify ICPPED.[46]

19. OHCHR expressed concern that the rights of poor communities in maintaining access to land and livelihood were not being upheld and urged the Government to comply with its international human rights obligations in pursuing its land policies. Particular concern was expressed that the push of the National Council for Peace and Order for quick solutions had led to violations of international human rights standards, including the failure to ensure free, prior and informed consent of communities, violence, intimidation and threats against those seeking to defend community rights and, at times, forced evictions.[47] The Committee on Economic, Social and Cultural Rights also urged Thailand to adopt a human rights-based approach in its development projects and to ensure access to land and adequate housing for all.[48]

20. The Committee against Torture urged Thailand to adopt a definition of torture that covers all the elements contained in article 1 of the Convention, to include torture as a separate and specific crime in its legislation and ensure that penalties for the crime of torture are commensurate with the gravity of the crime, and to ensure that acts amounting to torture are not subject to any statute of limitation.[49]

21. The same Committee remained seriously concerned about the numerous, ongoing and consistent allegations about the routine use of torture and ill-treatment by security and military officials in the southern border provinces to obtain confessions. That situation was exacerbated by the application of three special laws, which provided broad emergency powers to the security and military forces outside of judicial control.[50] It urged Thailand to ensure that the application of martial law does not, under any circumstances, contradict the rights guaranteed in the Convention.[51]

22. Similarly, the country team noted that in southern border provinces, the martial and special emergency laws had been in effect for more than ten years as a response to the armed insurgency. Those laws had negative implications on the rule of law, including due process guarantees. They also significantly curtailed citizens' fundamental freedoms, put them at risk of intimidation and harassment by authorities and created an environment of impunity whereby security forces were systematically not held accountable for human rights abuses, including torture, extrajudicial killing, and other violations. Insurgent groups routinely targeted civilians, either for targeted assassination or as collateral damage. Access to information remained challenging in the light of the nationwide ban on community radio stations after the coup. The country team expressed particular concern about the current practice of the security forces collecting DNA samples, which had resulted in the intimidation, harassment and detention of youths, including children of Malay ethnicity.[52]

23. The Committee against Torture recommended that Thailand reaffirm the absolute prohibition of torture and publicly condemn all practices of torture, accompanied by a clear warning that anyone committing such acts or complicit or participating in torture will be held personally responsible before the law and subjected to criminal prosecution.[53] It remained deeply concerned at the climate of de facto impunity for acts of torture, recommending that Thailand ensure that all allegations of torture or ill-treatment are promptly, thoroughly and impartially investigated by a fully independent civilian body, that perpetrators are duly prosecuted and, if found guilty, convicted with penalties that are commensurate with the grave nature of their crimes.[54]

24. The same Committee remained seriously concerned at the extremely high levels of overcrowding and harsh conditions prevailing in detention facilities, including immigration detention centres.[55] The Committee on Economic, Social and Cultural Rights recommended that Thailand ensure that asylum seekers, refugees, and migrants be detained only when absolutely necessary and the time of detention is limited to a strict minimum.[56]

25. The Committee against Torture recommended that Thailand put an immediate halt to harassment and attacks against human rights defenders, journalists and community leaders

and systematically investigate all reported instances of intimidation, harassment and attacks to prosecute and punish perpetrators, and guarantee effective remedies to victims and their families.[57]

26. The same Committee welcomed efforts to combat violence against women, in particular by criminalizing of domestic violence under section 4 of the 2007 Domestic Violence Victim Protection Act. It was concerned at the low level of prosecution for sexual and domestic violence and regretted that, in practice, domestic violence was treated as a private matter.[58] It recommended that Thailand further address all forms of gender-based violence and abuse by revising the relevant provisions of the Penal Code, the Criminal Procedure Code and the Domestic Violence Victim Protection Act.[59]

27. The Committee on the Rights of Child was concerned that corporal punishment remained lawful in the home and article 1,567 of the Civil and Commercial Code stated that those with parental authority over children had a right to impose "reasonable" punishment for the purpose of discipline.[60]

28. The Committee on Economic, Social and Cultural Rights was concerned that child labour was still widespread, including in agriculture, fishing and the informal economy, and that many children continued to be exploited in the child sex tourism industry. The Committee recommended that Thailand combat child sex tourism, including by establishing and implementing a comprehensive regulatory framework and strengthening international cooperation and advocacy with the tourism industry.[61]

29. The Committee on the Rights of the Child welcomed the 2011 ministerial regulation that prohibited persons below the age of 18 from taking part in village defence training. It was concerned about reports of informal association of children by the village defence militia Chor Ror Bor in the southern border provinces, who carried out the same or similar duties as formal members.[62] It recommended that Thailand explicitly criminalize by law the recruitment and involvement of children in armed forces, village defence militias or non-State armed groups.[63]

30. The Committee on the Rights of Child recommended that Thailand ensure that schools are not disrupted by State military and paramilitary units and protected from attacks by non-State armed groups, provide as a matter of priority psychosocial support and services to the children affected by armed violence and expedite the adoption of the Plan of Action on the Protection and Development of Children and Youth in the Southern Border Provinces.[64]

31. The Special Rapporteur on trafficking recommended that the Government develop and build capacity for systematic data collection, disaggregated by age and gender.[65] The Committee on Economic, Social and Cultural Rights called on Thailand to fully implement the recommendations of the Special Rapporteur on trafficking in persons.[66]

32. The Special Rapporteur on trafficking reiterated that shelters should provide safe space for trafficked persons' recovery and reintegration, and that the Ministry of Social Development and Human Security should provide comprehensive and individually tailored assistance.[67]

C. Administration of justice, including impunity, and the rule of law

33. The country team noted that section 44 of the Interim Constitution provided unlimited executive, judicial and legislative power to the head of the National Council for Peace and Order without any oversight, and that order No. 3/2015 of the National Council for Peace and Order granted law enforcement powers to a broad range of soldiers, including the power to detain anybody without judicial review for seven days. It also noted that, since

the coup d'état, at least 856 civilians had been tried in the military court raising a number of concerns, including the capacity and independence of the military courts and right to fair trial. Moreover, more than 1,200 people had been summoned, arrested, and/or detained by the military since the coup.[68]

34. OHCHR also called on the Government to stop using military facilities to hold civilian detainees.[69] The Committee against Torture recommended that Thailand ensure the effective monitoring and inspection of all places of detention through regular and unannounced visits by independent national and international monitors to prevent torture and other cruel, inhuman or degrading treatment or punishment.[70]

35. The Committee against Torture recommended that Thailand ensure that victims of torture and ill-treatment receive redress.[71]

36. The Committee on the Rights of Child remained concerned that the minimum age of criminal responsibility, which had been raised from 7 years to 10 years, still remained below internationally acceptable standards. It recommended that Thailand raise the minimum age of criminal responsibility, and to ensure that children are detained separately from adults and promote alternative measures to detention wherever possible.[72]

37. The Committee on Economic, Social and Cultural Rights was concerned at reports indicating widespread and pervasive corruption. It recommended that Thailand address the underlying causes, enhance the effectiveness of the legal, structural and policy measures to combat corruption and ensure protection to victims of violations of economic, social and cultural rights caused by corruption and their lawyers, as well as to whistle-blowers and witnesses of corruption cases.[73] The Committee against Torture was concerned about the consistent cases of attacks against witnesses in criminal cases, recommending the amendment of Witness Protection Act to ensure that witnesses and their family members are effectively protected and assisted.[74]

D. Right to privacy, marriage and family life

38. The Committee on the Rights of Child was concerned that the media did not fully respect the children's right to privacy in their reporting and that children's identity could often be established, especially in sensitive cases of child abuse and exploitation and under the juvenile justice system.[75]

39. While welcoming that the legal minimum age of marriage was 17 years for both boys and girls, the Committee on the Rights of Child expressed concern that the age limit could be lowered to 13 years in cases where children were sexually abused and could consequently marry the perpetrators, who in turn avoided any criminal prosecution for the crime.[76]

40. The Committee on Economic, Social and Cultural Rights remained concerned that a large number of births were not registered in practice.[77] The Committee on the Rights of Child recommended that Thailand ensure birth registration for all children born on its territory, especially those who are not registered due to the economic status of their parents, ethnicity and immigration status.[78]

41. The Committee on the Rights of the Child remained concerned that considerable numbers of children were neglected due to their parents' migration to urban areas or the AIDS-related death of parents.[79]

E. Freedom of expression, association and peaceful assembly, and the right to participate in public and political life

42. The country team noted that, since the coup, the National Council for Peace and Order had issued a number of orders primarily aimed at clamping down on press freedom and freedom of expression. It expressed concern about continued restrictions on freedom of expression, including the closing down of anti-junta media and websites, banning of books, arrests of persons for the expression of opinions and strict enforcement of broadly defined lese-majesty laws.[80]

43. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Thailand decriminalize defamation and place it within a civil code that is in accordance with international standards.[81]

44. The country team expressed concern about restrictions on freedom of assembly and association. In that regard, it noted that order No. 3/2015 of the National Council for Peace and Order banned organizing or taking part in public gatherings of more than five people and announcement No. 14/2014 banned any anti-National Council for Peace and Order protest/activities. The new Public Assembly Act, which came into effect on 13 August 2015, required protest organizers to notify authorities 24 hours in advance of the purpose and duration of the gathering and the venue. The law also banned public gatherings within 150 metres of government offices, airports, ports, bus and train stations, hospitals or royal residences.[82]

45. On 22 January 2016, OHCHR urged the Thai military to drop all charges against the 11 student activists arrested for violating a ban on political gatherings. They had been charged with violating an order published by the National Council for Peace and Order, which banned political gathering of more than five persons. Moreover, OHCHR expressed concern about the use of the order of the National Council for Peace and Order instead of a law under the Public Assembly Act of 2015, which meant that the case would be heard by a military court, which raised the risk of an unfair trial and left defendants with no right to appeal.[83] Previously regarding the same case, OHCHR expressed concern about the restrictions on fundamental freedoms imposed by the National Council for Peace and Order, adding that freedoms of expression and assembly were particularly important in resolving difficult political issues through dialogue and debate.[84]

46. The Committee on Economic, Social and Cultural Rights was concerned at the persistent gender-role stereotypes in the family and society, which resulted in a low level of women's representation in appointed and elected positions in the public and political decision-making.[85]

F. Right to work and to just and favourable conditions of work

47. The Committee on Economic, Social and Cultural Rights was concerned at the scale of the informal economy and a large number of individuals work without legal and social protection.[86] It recommended that Thailand strengthen its measures to eradicate forced labour, especially on fishing vessels. It also urged Thailand to ensure that employers violating labour rights are prosecuted.[87]

48. The same Committee was concerned that many domestic workers were not covered by the Home Workers Protection Act, thus not enjoying guarantees with regard to minimum wages, working hours, overtime payment and social security.[88]

49. The Committee recommended that Thailand ensure all workers receive a minimum wage that enables them to enjoy decent living conditions for themselves and their families and to eliminate the persistent wage gap between women and men.[89]

50. The Committee was concerned that educational personnel of private and public universities, workers of public organizations and non-Thai nationals did not have the right to form trade unions. It urged Thailand to extend the right to form trade unions to non-nationals.[90]

51. The Committee was concerned that, under the State Enterprise Labour Relations Act, all public sector employees did not enjoy the right to strike. It recommended that Thailand ensure that public sector employees who do not provide essential services are entitled to their right to strike.[91]

G. Right to social security and to an adequate standard of living

52. The Committee on the Elimination of Racial Discrimination was concerned about the inadequate access to social welfare and public services by certain ethnic groups because of language barriers and the limited availability of such services where they lived.[92]

53. The Special Rapporteur on the human right to safe drinking water and sanitation urged the Government to take affirmative action to reach "invisible" individuals caught in a protection gap, including migrants, indigenous populations, informal settlement dwellers and prisoners. She recommended that Thailand establish an independent regulator to undertake independent monitoring, particularly of water and sanitation quality and affordability, ensure genuine public participation and impose meaningful penalties for non-compliance; and ensure that funding of the water and sanitation sectors is reported by all concerned, including donors, private providers and non-governmental organizations, to obtain a complete picture of the resources allocated to the sectors and how different groups of the population are being targeted.[93]

54. The Committee on Economic, Social and Cultural Rights was concerned at reports that 10 per cent of families in urban areas lived in informal settlements, were vulnerable to forced evictions and encountered major problems in accessing basic services. It was also concerned that, despite a continuous decline in poverty, an estimated 10.94 per cent of the total population lived in poverty. It recommended that Thailand increase its efforts to overcome the housing shortage and ensure that persons living in informal settlements are protected against forced evictions and enjoy access to basic services, such as water and sanitation.[94]

55. The same Committee was concerned about reports that the implementation of its forest conservation policy had resulted in the destruction of crops and forced evictions, recommending that Thailand ensure forced evictions are only used as a measure of last resort and persons forcibly evicted are provided with adequate compensation and/or relocation.[95]

H. Right to health

56. The Committee on Economic, Social and Cultural Rights was concerned that the universal health care scheme did not adequately cover disadvantaged and marginalized individuals and groups, including persons with disabilities and persons living in remote rural areas, and that stateless persons, migrants, asylum seekers and refugees still faced obstacles in accessing basic health-care services.[96]

57. The same Committee recommended that Thailand take preventive measures to address the problem of the high rate of teenage pregnancies and unsafe abortions, strengthen its sexual and reproductive health education programmes that are age-appropriate for both boys and girls and ensure the accessibility, availability and affordability of sexual and reproductive health services.[97]

58. The same Committee was concerned that compulsory treatment and detention had adverse effects on the health of drug users, including increased infection of HIV and hepatitis, and on their reluctance to seek treatment.[98]

59. The Committee on the Rights of Child welcomed the decrease in the number of people who died of HIV/AIDS due to the use of antiretroviral drugs, although the coverage did not extend sufficiently to non-Thai populations such as migrants, refugees and asylum seekers.[99]

I. Right to education

60. The Committee on Economic, Social and Cultural Rights recommended that Thailand ensure all children under its jurisdiction effectively have access to free basic primary education, and address the reasons for school dropout and improve the overall quality of education, including by ensuring that teachers are well trained and fully qualified.[100]

61. The Committee on the Rights of Child regretted the low retention and transition rates persisting at all levels, with a substantial number of children without secondary education. It urged Thailand to encourage children, especially boys in the southern border provinces, to continue their education in secondary schools; and to implement the 2010 National Language Education Policy to ensure effective bilingual education from the early years especially for non-Thai-speaking children.[101]

62. The Committee on Economic, Social and Cultural Rights expressed concern at the reports of attacks on teachers and schools. It recommended that Thailand take all measures to ensure that schools and teachers are protected from attacks and that everyone has access to education.[102]

J. Cultural rights

63. The Committee on Economic, Social and Cultural Rights was concerned at the adverse effect of the excessive interpretation of lese-majesty on the enjoyment of the right of everyone to take part in cultural life.[103]

K. Persons with disabilities

64. The Committee on the Rights of Child was seriously concerned about the large number of children with disabilities who were not in school and that youth policies did not identify them as special target groups, as well as the limited proportion of children with disabilities who received education beyond the pre-primary level.[104]

L. Minorities and indigenous peoples

65. The Committee on Economic, Social and Cultural Rights was concerned at the denial of the traditional rights of ethnic minorities to their ancestral lands and natural resources, recommending removing all obstacles to enjoyment of traditional individual and

communal rights by ethnic minorities in their ancestral lands, and guaranteeing land tenure rights without discrimination to ensure access to land and adequate housing for all.[105]

66. The Committee on Economic, Social and Cultural Rights expressed concern at the lack of recognition of indigenous peoples by Thailand. In the light of the ongoing constitutional reform, it invited Thailand to give legal and political recognition to its indigenous peoples based on self-identification. It recommended guaranteeing the rights of indigenous peoples to own, use, control and develop the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired.[106]

67. The Committee on the Elimination of Racial Discrimination was concerned that the various forestry and environment protection laws could had a discriminatory effect on ethnic groups living in forests. It urged Thailand to review the relevant forestry laws in order to ensure respect for ethnic groups' way of living, livelihood and culture, and their right to free and prior informed consent in decisions affecting them.[107]

M. Migrants, refugees and asylum seekers

68. The country team noted that undocumented migrant workers, including adolescents, could be subject to deception and human trafficking by means of debt bondage, passport retention and physical abuse, particularly in fisheries, agriculture and as domestic helpers. It also noted cases of mass expulsions of migrant workers, and highlighted the need to take further steps to ensure migrant workers' rights to access to social services.[108]

69. The Special Rapporteur on trafficking recommended that Thailand review its labour and migration laws to accommodate the demands for cheap, low- or semi-skilled labour and provide for safe migration options, and eliminate vulnerabilities of migrant workers and their families to all forms of human trafficking. The Government should consider further extending the nationality verification process to irregular migrant workers without valid work permits and to those who did not complete the process before the previous deadline, and ensure that the process is efficient, transparent and cost-effective.[109]

70. The country team noted that there had been at least 155 persons subjected to refoulement either from within the territory of Thailand or as a result of non-admission between 2012 and mid-2015. It expressed concern that arrest and detention of refugees and asylum seekers, including children, continued to be a significant issue and a regular event.[110] The Committee against Torture was also concerned at the use of lengthy and indefinite detention in immigration detention centres for asylum seekers and migrants who entered Thailand undocumented.[111] In that regard, the country team, along with the Office of the United Nations High Commissioner for Refugees (UNHCR), recommended that Thailand apply existing Thai law permitting non-detention with a regular reporting requirement for refugees and asylum-seekers, institute a formal policy prohibiting the detention of refuge and asylum-seeking children and release all detained refugee and asylum-seeking children. It was also recommended that Thailand refrain from the refoulement of asylum seekers, refugees, migrants in refugee-like situations, and asylum-seeking or refugee victims of trafficking and smuggling.[112]

71. The Committee on Economic, Social and Cultural Rights urged Thailand to adapt its legal framework to ensure due protection of asylum seekers and refugees in line with its international obligations and the full enjoyment of their economic, social and cultural rights.[113]

72. The same Committee was concerned about reports that migrants and refugees, in particular Rohingyas, were left without access to emergency assistance after being denied the possibility to disembark their vessels. It called on Thailand to redouble its efforts, including through strengthened international and regional cooperation, to ensure that the

economic, social and cultural rights, including access to water, food and medical assistance, of all migrants and refugees arriving on boats are protected and to stop boat "push-backs".[114]

73. The Committee on the Elimination of Racial Discrimination welcomed the setting of the target of granting of legal status to about 300,000 persons within a time frame of three years.[115] The Committee on Economic, Social and Cultural Rights was concerned that a large number of persons, particularly among ethnic groups, migrants, refugees and asylum seekers, remained stateless. It recommended facilitating the naturalization and integration of stateless persons, including by addressing remaining gaps in the Nationality Act.[116]

N. Right to development, and environmental issues

74. The Committee on Economic, Social and Cultural Rights was concerned about the adverse effects of economic activities connected with the exploitation of natural resources, including large-scale projects such as the Map Ta Phut Industrial Estate. It recommended establishing participatory mechanisms to ensure that no decision is made that may affect access to resources without consulting the individuals and communities concerned, with a view to seeking their free, prior and informed consent.[117]

75. The same Committee recommended that Thailand ensure companies incorporated or with their main offices under the State's jurisdiction are legally accountable regarding violations of economic, social and cultural rights in their projects abroad, in particular in cross-border development projects.[118]

76. The Committee was concerned at shortcomings in the effective implementation of regulations on environmental quality and industrial activity to prevent harm. It recommended that Thailand comprehensively regulate environmental protection and ensure strict enforcement of its environmental legislation to prevent harmful effects on the health of the population.[119]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Thailand from the previous cycle (A/HRC/WG.6/12/THA/2).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Thailand before the Human Rights Council, as contained in the note verbale dated 22 July 2014 sent by the Permanent Mission of Thailand to the United Nations addressed to the President of the General Assembly.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[6] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[7] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

[8] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed

Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

[9] International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

[10] ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and Domestic Workers Convention, 2011 (No. 189).

[11] See E/C.12/THA/CO/1-2, paras. 21 and 36, CRC/C/THA/CO/3-4, para. 86, CAT/C/THA/CO/1, para. 14, and CERD/C/THA/CO/1-3, para. 26. See also United Nations country team submission for the universal periodic review of Thailand, para. 3.

[12] See CAT/C/THA/CO/1, para. 8.

[13] See CRC/C/THA/CO/3-4, para. 10.

[14] See CERD/C/THA/CO/1-3, para. 8.

[15] Ibid., para. 11.

[16] See CRC/C/THA/CO/3-4, para. 42, and country team submission for the universal periodic review of Thailand, para. 3.

[17] See CRC/C/THA/CO/3-4, para. 69.

[18] Ibid., para. 75.

[19] See CERD/C/THA/CO/1-3, para. 25.

[20] See A/HRC/20/18/Add.2, para. 77.

[21] See E/C.12/THA/CO/1-2, para. 9.

[22] Ibid., para. 20.

[23] Ibid., para. 24.

[24] Ibid., para. 6.

[25] Press statement, "UN human rights chief alarmed by Thai Government's adoption of potentially unlimited and 'draconian' powers", 2 April 2016 (available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15793&LangID=E) and country team submission for the universal periodic review of Thailand, para. 9.

[26] See country team submission for the universal periodic review of Thailand, para. 11.

[27] According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

[28] The list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights is available from http://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart.pdf.

[29] See E/C.12/THA/CO/1-2, para. 7.

[30] See CRC/C/THA/CO/3-4, para. 18. See also country team submission for the universal periodic review of Thailand, paras. 14-15.

[31] See country team submission for the universal periodic review of Thailand, para. 16.

[32] See CERD/C/THA/CO/1-3, para. 32.

[33] See CERD/C/THA/CO/1-3/Add.1.

[34] Letter dated 29 August 2014 from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Representative of Thailand to the United Nations Office and other International organizations at Geneva, , p. 1, available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_FUL_THA_18413_E.pdf.

[35] See CAT/C/THA/CO/1, para. 31.

[36] See CAT/C/THA/CO/1/Add.1.

[37] For the titles of special procedure mandate holders, see www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.
[38] See E/C.12/THA/CO/1-2, para. 13.
[39] Ibid., para. 17. See also country team submission for the universal periodic review of Thailand, para. 23.
[40] See CERD/C/THA/CO/1-3, para. 9.
[41] See CERD/C/THA/CO/1-3, para. 21, and letter dated 15 May 2015 from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Representative of Thailand to the United Nations Office and other international organizations in Geneva, available from www.ohchr.org/Documents/HRBodies/CERD/EarlyWarning/Letters/Thailand15May2015.pdf.
[42] See CERD/C/THA/CO/1-3, para. 20.
[43] See country team submission for the universal periodic review of Thailand, para. 19.
[44] See CAT/C/THA/CO/1, para. 14.
[45] See E/C.12/THA/CO/1-2, para. 11.
[46] Press statement, "Zeid urges Thailand to fully investigate enforced disappearances", 6 January 2016, available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16924&LangID=E. See also OHCHR Regional Office for Southeast Asia, press statement, "United Nations Human Rights Office urges the Royal Thai Government to expedite the investigation into the disappearance of a prominent Karen human rights defender", 16 April 2015.
[47] OHCHR Regional Office for Southeast Asia, press statement, "United Nations Human Rights Office concerned by the situation of human rights in relation to land in Thailand", 11 March 2015. See also OHCHR Regional Office for Southeast Asia, press statement, "Human rights defender advocating for land rights killed in southern Thailand", 13 February 2015.
[48] See E/C.12/THA/CO/1-2, para. 10.
[49] See CAT/C/THA/CO/1, para. 9.
[50] Ibid., para. 12.
[51] Ibid., para. 4.
[52] See country team submission for the universal periodic review of Thailand, para. 18.
[53] See CAT/C/THA/CO/1, para. 10.
[54] Ibid., para. 15.
[55] Ibid., para. 22.
[56] E/C.12/THA/CO/1-2, para. 28 (b).
[57] See CAT/C/THA/CO/1, paras. 18. See also para. 28.
[58] Ibid., para. 16.
[59] Ibid., para. 16.
[60] See CRC/C/THA/CO/3-4, para. 47.
[61] See E/C.12/THA/CO/1-2, para. 25.
[62] See CRC/C/OPAC/THA/CO/1, para. 13.
[63] Ibid., para. 18.
[64] See CRC/C/THA/CO/3-4, para. 85.
[65] See A/HRC/20/18/Add.2, para. 77.
[66] See E/C.12/THA/CO/1-2, para. 26.
[67] See A/HRC/20/18/Add.2, para. 77.
[68] See country team submission for the universal periodic review of Thailand, para. 17.
[69] OHCHR Regional Office for Southeast Asia, press statement, "OHCHR calls for Thailand to stop civilian detentions in military barracks", 24 November 2015. Available at http://bangkok.ohchr.org/news/press/Thaideathsincustody.aspx.
[70] See CAT/C/THA/CO/1, para. 24.
[71] Ibid., para. 27.
[72] See CRC/C/THA/CO/3-4, paras. 79 and 80.
[73] See E/C.12/THA/CO/1-2, para. 8.
[74] See CAT/C/THA/CO/1, para. 19.
[75] See CRC/C/THA/CO/3-4, para. 45.
[76] Ibid., para. 31.
[77] See E/C.12/THA/CO/1-2, para. 14.
[78] See CRC/C/THA/CO/3-4, para. 44.

[79] Ibid., para. 54.
[80] See country team submission for the universal periodic review of Thailand, para. 20.
[81] See UNESCO submission for the universal periodic review of Thailand, para. 67.
[82] See country team submission for the universal periodic review of Thailand, para. 21.
[83] OHCHR Regional Office for Southeast Asia, press statement, "OHCHR calls on Thai authorities to drop all charges against student activists", 22 January 2016.
[84] OHCHR Regional Office for Southeast Asia, press statement, "OHCHR urges Thailand to release students", 30 June 2015.
[85] See E/C.12/THA/CO/1-2, para. 18.
[86] Ibid., para. 19.
[87] Ibid., para. 20.
[88] Ibid., para. 19.
[89] Ibid., para. 22.
[90] Ibid., para. 23.
[91] Ibid., para. 24.
[92] See CERD/C/THA/CO/1-3, para. 17.
[93] See A/HRC/24/44/Add.3, paras. 66 and 69.
[94] See E/C.12/THA/CO/1-2, para. 27.
[95] Ibid., para. 10.
[96] Ibid., para. 29.
[97] Ibid., para. 30.
[98] Ibid., para. 32.
[99] See CRC/C/THA/CO/3-4, para. 62.
[100] See E/C.12/THA/CO/1-2, para. 33. See also CRC/C/THA/CO/3-4, paras. 68 and 69.
[101] See CRC/C/THA/CO/3-4, paras. 68 and 69.
[102] See E/C.12/THA/CO/1-2, para. 34.
[103] Ibid., para. 35.
[104] See CRC/C/THA/CO/3-4, para. 56.
[105] See E/C.12/THA/CO/1-2, para. 10.
[106] Ibid., para. 9.
[107] See CERD/C/THA/CO/1-3, para. 16.
[108] See country team submission for the universal periodic review of Thailand, para. 45.
[109] See A/HRC/20/18/Add.2, para. 77.
[110] See country team submission for the universal periodic review of Thailand, para. 46.
[111] See CAT/C/THA/CO/1, para. 21.
[112] See country team submission for the universal periodic review of Thailand, paras. 46–47, and UNHCR submission for the universal periodic review of Thailand, p. 13. See also press statement, "High Commissioner Zeid: Pushbacks endanger thousands in Bay of Bengal", 15 May 2015.
[113] See E/C.12/THA/CO/1-2, para. 15.
[114] Ibid., para. 16.
[115] See CERD/C/THA/CO/1-3, para. 14.
[116] See E/C.12/THA/CO/1-2, para. 14. See also country team submission for the universal periodic review of Thailand, para. 48, and UNHCR submission for the universal periodic review of Thailand, p. 10.
[117] See E/C.12/THA/CO/1-2, para. 10.
[118] Ibid., para. 12.
[119] Ibid., para. 31.

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Thailand*

The present report is a summary of 27 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

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I. Information provided by stakeholders

A. Background and framework

1. Scope of international obligations[2]

1. Joint Submission 7 (JS7) noted that despite Thailand's pledge to become a party to the ICPPED during the first cycle UPR, Thailand had not yet ratified it. JS7 further noted that on 12 January 2015, the Draft Prevention and Suppression of Torture and Enforced Disappearance Act was presented to the Cabinet, which has yet to be enacted into law.[3]

2. Constitutional and legislative framework

2. CIVICUS noted that on 22 May 2014, a military coup was staged two days after the army declared martial law in Thailand. The National Council for Peace and Order (NCPO) was established the same day and remained the predominant political actor in the country. The NCPO dissolved the lower House of the Parliament and abolished the 2007 Constitution. An Interim Constitution was drafted without proper public consultation and signed into force by the King on 22 July 2014.[4] JS7 also noted that the interim Constitution gave the NCPO sweeping, unchecked powers violating the fundamental pillars of the rule of law and human rights, including equality, accountability and predictability of the law.[5]

3. CIVICUS also noted that martial law remained in force until 1 April 2015 and was replaced by a new 14-point security order, NCPO Order 3/2015, issued under article 44 of the Interim Constitution. According to CIVICUS, this constitutional provision gives sweeping powers to the Head of the NCPO, who can intervene unilaterally by issuing any order deemed necessary "to disrupt or suppress regardless of the legislative, executive or judicial force of that order" in the name of national security, reforms or unity. The NCPO Order 3/2015 creates "peace and order maintenance officers" allowing appointed military officers with a rank of Second Lieutenant or above to have sweeping powers to defend the security of the state, while also being provided immunity for any actions taken.[6]

4. CIVICUS recommended that citizens' rights be restored through the promulgation of a constitution that is in harmony with Thailand's obligations under international human rights law and is subjected to a process of extensive public consultation.[7]

5. Joint Submission 1 (JS1) noted that in 2008, the Government made amendments to the Nationality Act (No. 4) (2008) and the Civil Registration Act (No. 2) (2008). These legal amendments allowed all children born in Thailand to be registered, regardless of the legal status of parents, which means that the children of migrants, asylum seekers, refugees and stateless people are entitled to have their births registered.[8] JS1 further noted that in 2012, almost all children under five were registered at birth however a large gap between the birth registration rates of Thai and non-Thai households persisted, which originated from the incomplete implementation of the amendments affecting mostly children born from refugee, asylum seeker or stateless parents.[9]

3. Institutional and human rights infrastructure and policy measures

6. Joint Submission 12 (JS12) stated that domestic human rights mechanisms were weak and the selection of Commissioners to the National Human Rights of Thailand had failed to meet the standards set by the Paris Principles.[10]

B. Cooperation with human rights mechanisms

Cooperation with special procedures

7. Joint Submission 1 (JS1) noted that despite the standing invitation, requests for a country visit by the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the rights to freedom of peaceful assembly and of association and on Torture had remained pending since 2012, 2013 and 2014 respectively.[11]

8. CIVICUS recommended that Thailand invite special procedures mandate holders, in particular the Special Rapporteurs on the situation of human rights defenders, on freedom of expression, and on freedom of peaceful assembly and of association.[12] JS12 also recommended accepting the request for a visit by the Special Rapporteur on torture.[13]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

9. JS5 noted that in the Southern Border Provinces under the conflict area, women's political participation and decision-making were restricted by factors such as religion, culture and tradition, as well as local values that underpin the belief that women are supposed to act only as wives and mothers.[14]

10. While noting that Thailand is in the process of drafting a new constitution which includes specific new grounds for the prohibition of discrimination in relation to gender, Joint Submission 6 (JS6) recommended that Thailand ensure that the new Constitution include a provision specifically prohibiting discrimination on the grounds of sexual orientation or gender identity.[15]

11. Joint Submission 11 (JS11) noted that there was no legislation that recognizes gender-related laws and supports civil union for LGBTI people resulting in a wide range of discrimination against same-sex couples and still has in place laws and policies which discriminate against LGBTI individuals.[16]

12. JS6 noted that Thailand did not recognize any sex or gender transitions, as a result of which transgender people encounter difficulties on a daily basis, including when seeking employment, pursuing education and even travelling abroad.[17]

2. Right to life, liberty and security of the person

13. Joint Submission 8 (JS8) noted that the Criminal Code prescribes the death penalty under 55 different articles for various criminal offences, including pre-meditated murder, rape resulting in death, kidnapping, terrorism, espionage, treason, economic crimes, and drug-related offences.[18] Drug-related offences represented a disproportionate share of the crimes for which a death sentence is imposed.[19]

14. The National Human Rights Commission of Thailand (NHRCT) expressed the hope that the Government takes steps towards abolishing the death penalty.[20] JS8 expressed concern that lawmakers proposed the introduction of laws that expand the offences that can be punished by death.[21] Amnesty International (AI) also noted that the Government had not placed an official moratorium on the implementation of the death penalty.[22]

15. Human Rights Watch (HRW) noted that since January 2004, more than 6,000 people had been killed in a brutal internal armed conflict in Thailand's southern border provinces of Pattani, Yala, and Narathiwat. Even though there was a drop of violent incidents after the resumption of peace dialogues in August 2015 between the Government and Barisan

Revolusi Nasional (BRN) and other separatist groups in the loose network of Majlis Syura Patani (Mara Patani), both sides had frequently committed human rights abuses and violations of the laws of war.[23]

16. HRW also noted that extrajudicial killings, enforced disappearances, arbitrary detentions, and torture had occurred regularly as part of the Government's counterinsurgency campaign and in reprisals for insurgent attacks on the ethnic Thai Buddhist population and security personnel. No member of the security forces had been criminally prosecuted for human rights abuses in the southern border provinces.[24] AI also noted that in three southernmost provinces, there had been targeted killings of civilians by insurgent groups, torture and other ill-treatment of detainees in military custody, and excessive use of force and extrajudicial killings by security forces and defence militias.[25]

17. JS2 noted that that children as young as 14 had been recruited and used to participate in hostilities by armed groups operating in southern Thailand. In December 2013, children under the age of 18 were present in the ranks of the dominant armed opposition groups, including the Patani Malay National Revolutionary Front (Barisan Revolusi Nasional Melayu Patani or BRN).[26]

18. Joint Submission 4 (JS4) noted that there were no legal provisions to criminalize the act of torture, no prevention and suppression measures, no remedies for the affected parties, and no other relevant measures in compliance with CAT.[27]

19. JS4 stated that the Ministry of Justice had shown a strong willingness to tackle the issue of torture, along with the support of NGOs and local communities; however, the lack of specific expertise in the country and current national laws had made it very difficult to rehabilitate torture victims.[28] Joint Submission 5 (JS5) also highlighted that victims of torture faced hardship in procuring witnesses and in presenting torture evidence to the court, largely due to the fact that the majority of the victims are not granted permission for their families, lawyers or representatives from the NHRCT to visit them in detention privately and immediately after they have been tortured.[29]

20. JS4 noted that ethnic minority arrested under suppressive policies relating to counter insurgency and counter drug suppression were allegedly subjected to torture and ill treatment in Southern Border Provinces. JS4 added that torture was still under-documented nationwide and there was no adequate legal aid and human rights monitoring mechanism in place.[30]

21. Joint Submission 13 (JS13) noted that the conditions of detention centres fell below international standards since they are often overcrowded, and lacked access to adequate healthcare services and religious and cultural accommodations.[31]

22. CIVICUS noted that in the year following the 22 May 2014 coup, at least 751 individuals and human rights defenders, including prominent academics, civil society activists, journalists and members of diverse political groups were either summoned by the NCPO to report for 'attitude adjustment' or were arbitrarily detained for engaging in peaceful and legitimate human rights activities.[32]

23. HRW expressed concern about the government policy that continues to subject drug users to compulsory treatment at centres run by the military and the Interior Ministry. According to HRW, each year about 10,000-15,000 people are sent to such centers, where drug treatment is based on military-style physical exercise. Most people experience withdrawal from drugs while detained in prison for assessment, with little or no medical supervision or medication provided.[33]

24. JS5 stated that enforced disappearance was used as an extra-legal method of harassment and repression by the security forces. Judicial remedies, the right to truth and the right to reparations for enforced disappearances remained largely denied by the State.[34]

25. Joint Submission 2 (JS2) noted that prostitution was criminalized under the *Prevention and Suppression of Prostitution Act* (1996); however, the law was mostly ignored and prostitution was practiced quite openly with the involvement of large numbers of children. While the *Act* treated prostitution of children as an aggravating offence imposing harsher penalties for younger children, it did not exempt child victims of prostitution from penalties under the law.[35] Furthermore, Section 34 of the *Act* and Section 33 of the *Anti-Trafficking Act*, a judge was permitted to order a child victim to be confined in a Protection and Occupational Development Centre (PODC) for his 'rehabilitation' for a period of up to two years, which discourages child victims from reporting and has led to many child victims running away during the criminal process.[36]

26. JS1 expressed serious concern about human trafficking and the smuggling of migrants noting that Thailand is recognized as a country of destination, origin and transit. Significant numbers of workers in the fishing and seafood processing industries are migrant workers. The recruitment for workers in this industry is largely based on informal recruitment processes, which has led to cases of human trafficking and human rights abuses.[37]

27. JS1 noted that although the Government had sought to crack down on human trafficking syndicates in April and May 2015, a series of mass graves, believed to be largely comprised of trafficked Rohingya, were found near the Thai-Malaysia border.[38]

28. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment of children was unlawful in schools and the penal system while it was lawful in the home, in alternative care settings and in day care lawful.[39] Achieving prohibition requires the enactment of legislation clearly prohibiting corporal punishment in these settings and explicitly repealing the right of parents to abusively? Punish children in the Civil and Commercial Code.[40]

3. Administration of justice, including impunity, and the rule of law

29. Lawyers' Rights Watch Canada (LRWC) highlighted that at least 700 civilians, including a number of human rights defenders, pro-democracy activists, academics and at least one lawyer had faced proceedings by Military Courts since the May 2014 military coup. Military courts lacked independence and impartiality and competence. The presumption of innocence was compromised in Military Courts.[41]

30. HRW and JS1 noted that due to the 20 May 2014 declaration of martial law and the issuance of NCPO Announcement 37/2014 on 25 May 2014, military courts assumed jurisdiction over *lèse majesté* cases, which continued to be tried by military courts after the revocation of martial law on 1 April 2015 and the issuance of replacing NCPO order 3/2015. As a result, individuals who allegedly committed *lèse majesté* offences between 25 May 2014 and 31 March 2015 had not right to appeal a decision made by a military court.[42]

31. JS1 also noted that many *lèse majesté* trials conducted in both military and civilian courts were held *in camera* because court officials claimed that they might affect national security or public moral.[43]

32. HRW noted that the interim Constitution provided that anyone carrying out actions on behalf of the NCPO "shall be absolutely exempted from any wrongdoing, responsibility, and liabilities. HRW recommended that Thailand should immediately revoke section 44 of the interim Constitution and related provisions that serve as a basis for Thai authorities to repress fundamental freedoms and commit human rights violations with impunity.[44]

33. JS7 observed numerous procedural irregularities in the military courts, including: the passage of several months before a copy of the indictment is provided to an accused; defence lawyers being denied access to the court file; failure of judges to disclose their

names in written decisions; failure to make hearings accessible to the public in certain cases, including by an explicit order in *lèse majesté* cases or the fact that the court is located on a secure military base or the small size of the courtroom; refusal to allow the public to take notes; and long administrative delays due to the inability of military court personnel to process the sharp increase of cases.[45]

34. Human Rights Lawyers Association (HRLA) stated that human rights abuses and violations against human rights defenders occurred as a result of law enforcement by the State, the lack of a legal provision to criminalize such an acts and to provide redress, and the culture of impunity.[46] Joint Submission 9 (JS9) noted reports of armed men being hired to t physically attack human rights defenders. The authorities had frequently failed to take action to protect human rights defenders who face risks at the hands of private actors.[47]

35. Joint Submission 14 recommended that Thailand end impunity for crimes against human rights defenders, including through: development of legislation that explicitly acknowledges and protects their work and gives full force and effect to the UN Declaration on Human Rights Defenders; and the prompt, independent and effective investigation, prosecution and remediation of all threats and attacks against human rights defenders.[48]

36. Lawyers for Lawyers (L4L) specifically noted that lawyers were regularly subjected to threats, intimidation and improper interference or attempts to put pressure on them by members of law enforcement agencies or the military.[49]

37. While noting little progress in criminal investigations of the alleged abuses committed by the pro-military People's Democratic Reform Committee (PDRC) and the People's Alliance for Democracy (PAD), or in efforts to seek compensation for damages caused by their protests in connection with the violence of April-May 2010, HRW recommended that Thailand immediately conduct an impartial, transparent, and independent inquiry into the violence of April-May 2010, and other politically motivated violence and ensure all perpetrators of serious crimes are brought to justice, regardless of their status and affiliation.[50]

38. HRLA noted that the act of enforced disappearance was not criminalized by any specific law. No legal action could be undertaken to accelerate the process to investigate information thus posing a challenge regarding access of victims to justice.[51]

39. JS2 noted that the minimum age of criminal responsibility was raised from 7 to 10 years following the first UPR in 2011. However, JS2 noted the CRC's concluding observation that 10 years still remain below internationally acceptable standards.[52]

4. Right to privacy, marriage and family life

40. Joint Submission 15 (JS15) noted that the Cybersecurity Bill would provide the National Cybersecurity Committee with wide ranging powers to conduct communication surveillance without adequate safeguards and limitations in accordance with the principles of legality, necessity and proportionality.[53]

5. Freedom of movement

41. Institute on Statelessness and Inclusion (ISI) noted that in order to travel beyond their district, stateless hill tribe people first needed to acquire a permit. Travelling without a permit meant risking arrest and charges. Yet acquiring a permit could be difficult due to the costs and need to invoke the help of the community leader. Moreover, people without identity papers cannot travel as they are not entitled to permits.[54]

6. **Freedom of expression, association and peaceful assembly**

42. JS1 stated that Thai laws contained numerous provisions that greatly limit the right to freedom of opinion and expression. Legislation that is inconsistent with international human rights standards and breaches Thailand's obligations under international law includes include, among other, Articles 112 (*lèse-majesté*), 326 (defamation), and 328 (libel) of the Criminal Code; Articles 14 and 15 of the 2007 Computer Crimes Act.[55]

43. Joint Submission 16 (JS16) noted ongoing pattern of media censorship, restrictions on the media, harassment and detention of media workers and the resulting self-censorship by the media. JS16 highlighted that the situation regarding media freedom had rapidly and significantly deteriorated following the military takeover on 22 May 2014.[56]

44. CIVICUS noted that in the 365 days following the coup, at least 166 individuals were arrested for expressing their opinion in public spaces. A combination of legal restrictions on the freedom of expression had been used by the military junta to silence critical voices, such as *lèse majesté* (section112 of the Criminal Code), sedition (section 116 of the Criminal Code), defamation (sections 326 and 328 of the Criminal Code) and the 2007 Computer Crimes Act.[57] CIVICUS also noted that in the year following the coup, at least 46 individuals faced charges under section 112 (*lèse majesté*). As a consequence, self-censorship was being exercised by most journalists and media outlets.[58]

45. JS1 stated that since its first UPR, Thailand had increased arrests and prosecutions under Article 112 (*lèse majesté*). The deprivation of liberty under the pretext of protecting the monarchy significantly intensified after the 22 May 2014 military coup d'état.[59]

46. JS1 also noted Announcement 97/2014 issued by the National Council for Peace and Order (NCPO) that imposes an obligation for all news outlets, both public and private to distribute the information issued by the NCPO, as well as bans "criticism of the work of the NCPO" and the dissemination of information that could harm national security, cause confusion, or incite or provoke "conflict or divisions" in the country.[60]

47. JS15 noted that since at least 2013 and more systematically since the coup in May 2014, the Government had reportedly tried to control popular social media such as Facebook and to limit the capacity of internet users to communicate anonymously, including by using encryption.[61]

48. CIVICUS noted that defamation was a criminal offence and had been used to silence human rights advocates and journalists.[62] JS7 noted that Natural Fruit Company Ltd files four criminal and civil defamation complaints against Andy Hall, a British human rights defender and labour researcher in Thailand working with a Finnish NGO, Finnwatch, . In January 2013, Hall's findings were published in a Finnwatch report which alleged various human rights violations taking place in the company such as the confiscation of employees' passports; violence from guards and superiors; dangerous working conditions; child labour; and illegally low wages and overtime.[63]

49. CIVICUS stated that restrictions on the freedom of association following the military coup had manifested in the unabated harassment and interference of CSOs and their staff.[64] In several instances, operations of CSOs had been severely and unwarrantedly restricted through the forceful cancellation of public events, forums and meetings in an effort to silence dissent and critical voices.[65]

50. HRW stated that the NCPO regularly banned political gatherings of more than five people, with those violating the ban being subject to six-month imprisonment and a 10,000 baht (US$300) fine.[66]

51. CIVICUS noted that many protests and demonstrations took place in Thailand against the military coup and NCPO orders and policies, often followed by the arrest and

detention of demonstrators.[67] Similarly, JS1 noted that from 22 May 2014 to 31 August 2015, authorities arrested at least 209 individuals for taking part in peaceful demonstration opposing military rule.[68] On 26 June 2015, police arrested 14 student activists from the Neo Democracy Movement in relation to their involvement in a peaceful anti-junta rally at Bangkok's Democracy Monument that took place a day earlier.[69]

52. CIVICUS noted that the Public Assembly Act passed in July 2015 in the National Legislative Assembly (NLA) outlined detailed procedures to exercise the right to peaceful assembly. The Act outlined several time and place restrictions of marches and demonstrations. Marching is prohibited between 6 PM to 6 AM, and assemblies need to take place in the time frame specified by the organisers. They cannot take place within 150 meters of the Royal Palace, the Parliament, the Government House or Courts.[70]

53. JS1 noted that within a month of its coming into effect, provisions of the July 2015 Public Assembly Act had already been invoked twice in an attempt to restrict the right to freedom of peaceful assembly.[71]

7. Right to work and to just and favourable conditions of work

54. ISI noted many difficulties for stateless people to find jobs in comparison to Thai citizens. Employers discriminated against them on the ground of citizenship, preferring to hire citizens or paying less and not respecting the labour rights of stateless persons.[72]

55. JS12 noted that the minimum wage did not correspond to the rising living cost. Workers were also subjected to unfair employment contracts with a lack of occupational safety.[73]

56. JS1 also noted that the Government did not allow migrant workers to form their own unions or associations, or to go on strike. However, they can participate in Thai trade unions, but they are not allowed to serve on the executive committees of such groups.[74]

8. Right to health

57. JS5 highlighted that people in the Southern Border Provinces had found it difficult to have access to health services. JS5 also noted the spread of HIV/AIDS and a lack of access to treatment. Further, children have no access to necessary vaccination and other treatments.[75]

58. JS6 and JS11 expressed concern about discriminatory practices, including unequal standards of healthcare given to LGBTI persons, the disclosure of sensitive and private health information, the refusal of treatment, and placing transgender persons in hospital wards opposite their preferred gender identity.[76]

9. Right to education

59. ISI stated that as of 2005, Thailand had an 'Education for All' policy that allows all children to access schooling, regardless of citizenship. However, this policy had not fully resolved problems in realizing the right to education for stateless hill tribe people. Many were not able to pay the costs involved in pursuing higher education and stateless people could not access governmental study loans.[77]

60. JS6 noted that in the public school system, there was no mandated curriculum regarding sexual orientation and gender identity, and there were reports of negative portrayals of LGBTI people in school textbooks.[78]

10. Minorities and indigenous peoples

61. Joint Submission 10 (JS10) stated that indigenous peoples had been struggling for decades to secure Thai citizenship. According to JS11, there has been on ongoing programme to register all people living in remote areas as citizens who have proof that at least one parent was born in Thailand. However, in rural areas, proof is very hard to obtain and many people lack the needed documentary evidence. Indigenous peoples were also facing oppressive government officials, many of whom still view indigenous peoples as foreign and dangerous.[79]

62. JS4 noted that the Northern part of Thailand was classified as having the most forestry land and predominantly under sustainable cultivation by ethnic/indigenous communities. Therefore if the NCPO order calling for an end to deforestation and forest encroachment continues without consultation with concerned communities, not only the rights to be free from forced eviction but also other rights relating to citizenship, the right to food, right to work, right to health care and right to education would be affected. In addition, many communities still lacked the capacity to access justice for defending their basic human rights and were often not able to effectively deal with lawsuits regarding land disputes with government agencies such as Forestry Department, Ministry of Natural Resource Management or criminal charges of trespassing on their own land.[80]

63. JS10 stated that not enough quality and organized education was being provided for indigenous children that is offered in an accessible means and appropriate to their lifestyle and in their native language.[81]

11. Migrants, refugees and asylum seekers

64. HRW stated that migrant workers from neighbouring countries continued to be abused with impunity by local police, civil servants, and employers. A poorly designed and implemented "nationality verification" registration scheme caused hundreds of thousands of migrant workers to lose their legal status, deepening their vulnerability to exploitation.[82]

65. JS1 emphasized that without a regular status, migrant workers were at risk of having their rights denied. They often faced inequitable working conditions that jeopardize their welfare and/or health. In many cases, they did not receive pay in accordance with minimum wage laws, during periods of illness, injury, or maternity; or on a regular schedule. Excessively long workdays of 12 hours or more are not unusual in some sectors, and the non-payment of overtime wages had been frequently reported.[83]

66. Joint Submission 3 (JS3) stated that the Immigration Act authorized officials to carry out the arrests and deportations of undocumented migrant workers prior to their having access to judicial review and remedies, except for just victims of trafficking in persons and even though the migrant workers were victims and entitled to remedies from legal and justice process.[84]

67. JS13 stated that asylum seekers and refugees had no legal status, faced constant discrimination, and were at risk of arbitrary arrest and detention, *refoulement* and exploitation.[85] JS12 stated that the urban refugees had no recognized status and were forced to pay bribes to Thai officials. Their children had not been entitled to equal rights. JS12 also emphasized that refugees in temporary shelters along the Thailand-Myanmar border must not be forcibly deported since the areas where ethnic minorities live are still dangerous.[86]

68. Leitner Center for International Law & Justice (Leitner Center) noted that in recent months in refugee camps located along the Thai-Myanmar border, greater enforcement of restrictions on freedom of movement and the right to work, combined with decreases in

resources and services, had created conditions which threaten to coercively return refugees to Myanmar.[87]

69. Leitner Center also noted that camp residents suffered from chronic malnutrition and anemia. Refugee access to shelter had also diminished beginning with a 2011 reduction in building materials. It highlighted that Thailand only allowed refugees to build temporary shelters and prohibits the construction of permanent structures made from more durable materials. According to Leitner Center, the donor funding shortage has negatively impacted refugees' access to healthcare. The refugee education system is no longer affordable for many families because of increased tuition fees.[88]

70. Jubilee Campaign highlighted the fact that Pakistani Christian asylum seekers are vulnerable for arrests under criminal law and they have to find financial resources in order to extend their visa, which makes them vulnerable for extortion and bribery.[89]

71. According to HRW, Thai authorities continue to violate the international prohibition against *refoulement* by returning refugees and asylum seekers to countries where they are likely to face persecution. On July 9, 2015, the Government refouled 109 ethnic Uighurs to China. The current whereabouts and status of these Uighurs are not known.[90] AI also noted that in December 2013, seven Khmer Krom men, some of whom were asylum seekers, were arrested by Thai police accompanied by Cambodian government personnel and handed over to Cambodian officials at the Thai-Cambodian border.[91]

72. HRW noted that ethnic Rohingya fleeing abuses, persecution, and hardship in Myanmar's Rakhine State or Bangladesh were often trafficked in Thailand. In May 2015, Thai authorities discovered at least 30 bodies buried at abandoned human trafficking camps in Songkhla province close to the Thai-Malaysian border.[92]

73. HRW also noted that Thai authorities have attempted to seal off the border to prevent boats carrying Rohingya from landing. On many occasions, those boats were intercepted and pushed back to the sea after receiving rudimentary humanitarian assistance and supplies from Thai authorities. On May 22, 2015, Thailand hosted an international meeting to address the Rohingya boat people exodus, but refused to work with the office of the UN High Commissioner for Refugees (UNHCR) to conduct refugee status determination screenings or set up temporary shelters for those rescued.[93]

74. The NHRCT noted that Rohingyas in immigration detention centres in Bangkok and other provinces experience overcrowding, prolonged detention and insufficient budget for food.[94]

75. HRW expressed concern that asylum seekers are summarily treated as "illegal immigrants" and subject to deportation without regard to the threats facing them. Arrested migrants, including children, are held in overcrowded detention facilities.[95] JS3 also stated that the policy to hold the sea migrants in custody at immigration checkpoints or children's homes had led to an increase of stress, physically and mentally, as a result of the crowded holding cells, being separated from their families, a lack of basic necessities, and being deprived of liberty.[96]

76. Thai Committee for Refugees Foundation (TCR) noted cases of urban refugee children waiting up to seven years for the necessary paperwork to be recognized as a refugee or found a durable solution in the third country resettlement, which results in seven years without proper schooling.[97]

77. TCR also expressed concern that many asylum seekers who are in a dire state of health are too scared to visit doctors or hospitals out of fear of arrest and lack of financial means.[98]

12. **Right to development and environmental issues**

78. JS12 noted that large-scale development projects had caused impact on the community and its leaders who had risen up to protect the community had either been arrested or injured or killed.[97]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI	Amnesty international, London (United Kingdom of Great Britain and Northern Ireland);
CIVICUS	World Alliance for Citizen Participation (CIVICUS), Johannesburg (South Africa);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
HRLA	Human Rights Lawyers Association, Bangkok (Thailand);
HRW	Human Rights Watch, New York (United States of America);
ISI	Institute on Statelessness and Inclusion, (Thailand);
Jubilee	Jubilee-Jubilee Campaign
Leitner Center	Leitner Center for International Law & Justice at Fordham Law School, New York, (United States of America);
LRWC	Lawyers' Rights Watch Canada, Vancouver, (Canada);
L4L	Lawyers For Lawyers, (Netherlands);
TCR	Thai Committee for Refugees Foundation, (Thailand);

Joint submissions:

JS1	Joint submission 1 submitted by: Franciscans International (FI) and Marist International Solidarity Foundation (FMSI);
JS2	Joint submission 2 submitted by: CRC Coalition Thailand composed of 37 civil society organizations and international non-governmental organizations, Bangkok (Thailand);
JS3	Joint submission 3 submitted by: Migrant Working Group Thailand Coalition, Bangkok (Thailand);
JS4	Joint submission 4 submitted by: Cross Cultural Foundation and its partners, Bangkok (Thailand);
JS5	Joint submission 5 submitted by: FTA Watch, Justice for Peace Foundation (JPF) and Land Watch Working Group (LWWG), Bangkok (Thailand);
JS6	Joint submission 6 submitted by: Kaleidoscope Human Rights Foundation, Sexual Rights Initiative, Togetherness for Equality and Action and Thai Transgender Alliance, Bangkok (Thailand);
JS7	Joint submission 7 submitted by: International Commission of Jurists (ICJ) and Thai Lawyers for Human Rights (TLHR), Bangkok (Thailand);
JS8	Joint submission 8 submitted by: International Federation of Human Rights (FIDH) and the Union for Civil Liberty (UCL), (Thailand);
JS9	Joint submission 9 submitted by: Front Line Defenders, (Ireland) and Protection International;
JS10	Joint submission 10 submitted by: Cultural Survival, Cambridge, (United States of America); Network of Indigenous Peoples in Thailand (NIPT), (Thailand) and Asia Indigenous Peoples Pact (AIPP), Chiang Mai, (Thailand);
JS11	Joint submission 11 submitted by: Buku's Gender, Sexuality, and Human Rights Classroom - Buku Classroom, Commetive production, Krapooktak Yakkhaya For SOGIE and environment, Health and Opportunity Network-HON, Pinkmonkeylopburi, Rainbow sky association of Thailand, Sangsan Anakot Yawachon Development Project- SAYDP, Sexual Diversity Group, SISTERS Foundation, TEA law, The Coalition on Democracy and Sexual Diversity Rights, Togetherness for Equality and Action –

	TEA,Tom laday Sabay Community, www.LovePattaya.com, LGBTI-UPR Thailand Working Group (Thai Transgender Alliance – Thai TGA, ILGA Asia, Bangkok Transportation Union, Tom laday Sabay Community, TEA, Sexual Diversity Group, Mplus, and HON).
JS12	Joint submission 12 submitted by: Thai NGOs Coalition for UPR, (Thailand);
JS13	Joint submission 12 submitted by: Asia Pacific Refugee Rights Network (APRRN), Fortify Rights, Asylum Access, Human Rights and Development Foundation,(HRDF), Jesuit Refugee Service (JRS), Migrant Working Group (MWG), and People's Empowerment Foundation (PEF);
JS14	Joint submission 12 submitted by: International Service for Human Rights (ISHR) and Forum-Asia;
JS15	Joint submission 12 submitted by: Thai Netizen Network and Privacy International;
JS16	Joint submission 12 submitted by: International Federation for Human Rights (FIDH), Paris, (France) and Internet Law Reform Dialogue (iLaw), (Thailand).

National human rights institution(s):

NHRCT National Human Rights Commission of Thailand, Bangkok, (Thailand);

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] JS7, para. 55.
[4] CIVICUS, para. 2.1.
[5] JS7, para. 5.
[6] CIVICUS, para. 2.1. See also AI, p.2.
[7] CIVICUS, para. 7.1.
[8] JS1, para. 6. See also JS2, para. 13.
[9] JS1, para. 8.
[10] JS12, para. 6.

[11] JS1, para. 5.
[12] CIVICUS, para. 7.6.
[13] JS12, para. 4(a).
[14] JS5, para. 25.
[15] JS6, paras. 8 – 10.
[16] JS11, para. 7.
[17] JS6, paras. 21 – 24.
[18] JS8, para. 10.
[19] JS8, para. 12.
[20] NHRCT, para. 2.
[21] JS8, para. 13.
[22] AI, p. 4.
[23] HRW, p. 3.
[24] HRW, p. 3.
[25] AI, p. 3.
[26] JS2, para. 14.
[27] JS4, para. 8.
[28] JS4, para. 33.
[29] JS5, para. 14.
[30] JS4, para. 3.
[31] JS13, para. 14.
[32] CIVICUS, para. 4.2. See also JS1, para. 17., and JS7, para. 11.
[33] HRW, p. 5.
[34] JS5, paras. 13 and 16.
[35] JS2, para. 4.
[36] JS2, para. 8.
[37] JS1, para. 41.
[38] JS1, para. 45.
[39] GIEACPC, p.1. See also Recommendations 89.36 and 89.38 of A/HRC/19/8, and paras. 15 – 16 of A/HRC/19/8/Add.1.
[40] GIEACPC, p. 2. See also JS2, para. 20.
[41] LRWC, paras. 4 – 15.
[42] HRW, p.3. and JS1, paras. 41 – 42.
[43] JS1, paras. 43 – 45.
[44] HRW, p. 1.
[45] JS7, para. 23.
[46] HRLA, para. 2.
[47] JS9, para. 5.
[48] JS14, para. 6.
[49] L4L, paras. 9 – 12.
[50] HRW, p.p. 2 – 3.
[51] HRLA, para. 14.
[52] JS2, para. 19.
[53] JS15, para. 25. See also JS16, para. 27.
[54] ISI, para. 11.
[55] JS1, para. 7.
[56] JS16, para. 16.
[57] CIVICUS, para. 5.4.
[58] CIVICUS, para. 5.5. See also JS1, paras. 11 – 15.
[59] JS1, para. 34.
[60] JS1, para. 19. See also HRW, pp. 1- 2.
[61] JS15, para. 36.
[62] CIVICUS, para. 5.7.
[63] JS7, para. 28.
[64] CIVICUS, para. 3.2.
[65] CIVICUS, para. 3.3.

[66] HRW, p. 2. See also JS7, para. 15.
[67] CIVICUS, para. 6.2.
[68] JS1, para. 49.
[69] JS1, para. 51.
[70] CIVICUS, para. 6.5. See also JS7, paras. 38 – 42, and JS16 paras. 46 – 56.
[71] JS1, para. 56.
[72] ISI, para. 13.
[73] JS12, para. 16.
[74] JS1, para. 36.
[75] JS5, para. 31.
[76] JS6, para. 26 and JS11, para. 47.
[77] ISI, para. 12.
[78] JS6, para. 13.
[79] JS10, p.1.
[80] JS4, para. 51. See also JS5, paras. 2 -4.
[81] JS10, p. 2.
[82] HRW, p. 4.
[83] JS1, para. 35.
[84] JS3, p. 3.
[85] JS13, para. 2.
[86] JS12, para. 20.
[87] Leitner Center, para. 1.
[88] Leitner Center, paras. 6 – 9.
[89] Jubilee, para. 2.
[90] HRW, p. 4. See also TCR, p. 1.
[91] AI, p. 6.
[92] HRW, p. 4.
[93] HRW, p. 4. See also ISI, para. 20.
[94] NHRCT, para. 9.
[95] HRW, p. 4.
[96] JS3, p. 2.
[97] TCR, p. 2.
[98] TCR, p. 2.
[99] JS12, para. 11.